

**DRAFT**

**RECIRCULATED SUPPLEMENTAL  
ENVIRONMENTAL IMPACT REPORT**

**CIVIC PLAZA  
PARKING STRUCTURE PROJECT**

Prepared by  
City of San José

April 2004  
SCH# 2003032104

## TABLE OF CONTENTS

PREFACE .....	2
CONTENTS AND FORMAT OF THE DOCUMENT .....	3
PURPOSE OF AN EIR .....	3
PUBLIC COMMENTS .....	5
I.    PROJECT DESCRIPTION .....	6
A.    PROJECT OVERVIEW .....	6
B.    PROJECT LOCATION .....	6
C.    DESCRIPTION OF THE PROPOSED PROJECT .....	6
D.    PROJECT OBJECTIVES .....	15
E.    PTC COMMENT ON THE DRAFT SEIR .....	16
V.    ALTERNATIVES TO THE PROPOSED PROJECT .....	19
A.    NO PROJECT ALTERNATIVE .....	38
1.    No Parking Structure/No Project Alternative .....	39
2.    Sixth Street Parking Structure/No Project Alternative .....	41
B.    RELOCATION OF THE FOX BUILDING .....	43
C.    ALTERNATIVE SITES .....	51
1.    Site C - Disciples of Christ Church .....	51
2.    Site D - South Fourth Street .....	54
3.    Site E - Presbyterian Church .....	56
4.    Site F - Albertson's .....	58
5.    Site G - Performing Arts Center Site .....	60
D.    ENVIRONMENTALLY SUPERIOR ALTERNATIVE .....	61
VI.   REFERENCES .....	63
VII.  AUTHORS AND CONSULTANTS .....	64

### APPENDIX A: Estimates for Fox Building Relocation Costs

## FIGURES

Figure 1:	Regional Map .....	7
Figure 2:	Vicinity Map .....	8
Figure 3:	Aerial Photograph .....	9
Figure 4:	Conceptual Site Plan .....	10
Figure 5:	Conceptual Elevations .....	11
Figure 6:	Parking Structure Sketches .....	12
Figure 7:	Land Uses in the Vicinity .....	28
Figure 8:	Alternative Sites .....	30
Figure 9:	Potential Fox Building Relocation (North) .....	45
Figure 10:	Potential Fox Building Relocation (South) .....	46

## TABLES

Table 1	Comparison of Parking Spaces .....	22
---------	------------------------------------	----

## **PREFACE**

---

### **BACKGROUND**

On September 2, 2003, the City Council of the City of San José upheld the certification by the Planning Commission of an Environmental Impact Report for the purpose of disclosing environmental impacts associated with approving the Civic Plaza Parking Structure Project. The parking structure is proposed on a 1.22 acre site north of Santa Clara Street in downtown San José, with frontages on both North Fourth Street and North Fifth Street. The Final Supplemental Environmental Impact Report (FSEIR) upon which that decision was based is available for public review in the Planning Division office of the City of San José.<sup>1</sup>

After the Council decision, case number 1-03-CV-006663 was brought in Santa Clara County Superior Court arguing that the FSEIR did not conform to the requirements of the California Environmental Quality Act (CEQA). On April 2, 2004, the Court found that further information and analysis should be included in the FSEIR in order for it to fully and completely comply with CEQA for the purpose of approving the Civic Plaza Parking Structure Project.

The Court stated in its Judgment that:

The Supplemental Environmental Impact Report (SEIR) certified by the City is not sufficient as an informational document, and the City did not proceed in the manner required by law, because the SEIR's alternatives analysis does not include meaningful discussion of potentially feasible alternate locations for the parking structure. Further, the final SEIR fails to adequately respond to comments submitted on the Draft SEIR by the Parking and Traffic Committee (PTC) to the effect that if the PTC had known that the selected project site would result in the demolition of an historic structure, "it is likely that this site would not have met the PTC criteria for a feasible site for this parking structure." The City also failed to proceed in the manner required by law in failing either to adopt the mitigation measure involving the relocation of the Fox Building to another site or adopting a finding supported by substantial evidence to the effect that relocation is infeasible.

In order to comply with the Court's direction, the City of San José has prepared this Draft Recirculated Supplemental Environmental Impact Report (DRSEIR). Since the effect of the Court's decision is to void the certification of the Final SEIR, the City, as the Lead Agency for this project, has chosen to correct the deficiencies of its FSEIR by recirculating those sections of the SEIR that require revision under the Court's findings. This approach is specifically described in §15088.5(f)2 of the CEQA Guidelines.

---

<sup>1</sup>The State Clearinghouse Number for the FSEIR is SCH 2003032104.

## CONTENTS AND FORMAT OF THE DOCUMENT

This DRSEIR contains only the additional information which is needed to make the previously prepared FSEIR complete. As described in the Record of Decision, the Court found that the previously prepared FSEIR adequately addressed most of the issues that were raised. This DRSEIR is therefore limited to a few portions of the EIR and contains only the following sections:

Project Description - The Project Description is the same as that included in the previously circulated SEIR, with clarifying language included that was not in the previous FSEIR, including the objectives for the site selection process. This section of this DRSEIR includes a description of the proposed project location, a description of the proposed project, and identification of the project objectives.

Response to PTC - A more detailed response is provided to a comment made on the Draft SEIR by PTC.

Relocation Alternative - An expanded description of the feasibility and environmental effects of relocating the historic Fox Building is provided.

Alternative Sites - This section contains a description of the site selection process, an explanation of the criteria developed and used during the site selection process, a summary description of those sites identified and quickly found to not be feasible and the reasons for their being found not feasible, and an analysis of five other possible sites (in addition to the proposed site and the No Project Alternative) that might conceivably be assumed to meet the project objectives. This section also includes an analysis of the possible environmental impacts of these alternative locations.

Environmentally Superior Alternative - Based on the information provided in this DRSEIR, a discussion of the Environmentally Superior Alternative is provided, in conformance with §15126.6(e)(2) of the CEQA Guidelines.

This document also includes all other information required by CEQA and the CEQA Guidelines, including References and a list of the Authors and Consultants who prepared the document.

This DRSEIR is the third EIR prepared by the City of San José that addresses environmental impacts from implementation of the Civic Plaza Redevelopment Plan project. It is sometimes necessary in the text of this EIR to refer to one or both of the two previous EIRs. The two previous EIRs include: the Final EIR entitled *Civic Plaza Redevelopment Plan*, and certified in 1999 by the City; and the Final Supplemental EIR entitled *Civic Plaza Parking Structure Project*, and certified in 2003 by the City. Those two EIRs are referred to as the 1999 FEIR and the FSEIR, respectively, in this DRSEIR.

## PURPOSE OF AN EIR

In accordance with CEQA, this DRSEIR provides objective information regarding the environmental consequences of the proposed project, and identifies possible means for avoiding, minimizing, and mitigating impacts. Specifically, as described above, this DRSEIR examines various alternatives to the project to reduce or eliminate significant environmental impacts.

Although this document supplements an existing EIR, this document meets the requirements of an EIR as outlined in the CEQA Guidelines. The following paragraphs, excerpted from the CEQA



Guidelines clarifying the overall purposes of an EIR, also describe the purpose for and standards for adequacy of this RSEIR:

*Section 15121(a) Informational Document.* An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information which may be presented to the agency.

*Section 15145 Speculation.* If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.

*Section 15146 Degree of Specificity.* The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.

(a) An EIR on a construction project will necessarily be more detailed in the specific effects of a project than will an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

*Section 15151 Standards for Adequacy of an EIR.* An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good-faith effort at full disclosure.

*Section 15180(a) Redevelopment Projects.* All public and private activities or undertakings pursuant to or in furtherance of a redevelopment plan constitute a single project, which shall be deemed approved at the time of adoption of the redevelopment plan by the legislative body. The EIR in connection with the redevelopment plan shall be submitted in accordance with Section 33352 of the Health and Safety Code.

*Section 15180(b) Redevelopment Projects.* An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent EIR or a supplement to an EIR would be required by Section 15162 or 15163.

## PUBLIC COMMENTS

Anyone may provide comments to the City of San José on the contents of this DRSEIR. Because this is a recirculation of a portion of a previously circulated SEIR, the following section of the CEQA Guidelines describes the process which the City has chosen to implement:

*Section 15088.5(f)(2)* When the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portion of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or portions. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included within the text of the revised EIR or by an attachment to the revised EIR.

Reviewers of this DRSEIR are hereby advised that comments on this document should be limited to comments on the information contained in this DRSEIR.

All documents referenced in this DRSEIR are available for public review during normal business hours in the office of the Planning Division of the City of San José Department of Planning, Building and Code Enforcement, located at 801 North First Street, San José, California.

## **I. PROJECT DESCRIPTION**

---

### **A. PROJECT OVERVIEW**

This Draft Recirculated Supplemental Environmental Impact Report (DRSEIR) evaluates possible alternative locations for a proposed Civic Plaza Parking Structure that is proposed to serve the City Hall/Municipal Services Complex currently under construction in Downtown San José. As discussed in more detail in the *Final Supplemental Environmental Impact Report for the Civic Plaza Parking Structure Project*,<sup>2</sup> a parking structure to serve the City Hall/Municipal Services Complex was originally proposed on North Sixth Street across from Horace Mann School and is now proposed to be constructed on a site north of Santa Clara Street with frontage on both North Fourth Street and North Fifth Street.

### **B. PROJECT LOCATION**

The project site is located in downtown San José, having frontage on both North Fourth Street and North Fifth Street, approximately 225 feet north of East Santa Clara Street. The site is approximately 1.22 acres in size and has a zoning designation of *CG (Commercial General)* and a General Plan designation of *Public/Quasi-Public*. The proposed project site includes Assessor Parcel Numbers (APNs) 467-20-03 through 467-20-07, 467-20-16, and 467-20-17. The Fox Building, which is currently vacant, is located on the southwestern portion of the site. An apartment building (39 North Fifth Street) is located in the southeastern quadrant of the site. This building is currently used for housing and support services by the Emergency Housing Consortium (EHC). However, this location is temporary. The Redevelopment Agency has obtained land use permits for construction of permanent housing for the EHC at the intersection of South Third and William Streets.

The regional location of the project site is shown on Figure 1, and the immediate site vicinity is shown on Figure 2. An aerial photograph showing the surrounding land uses is Figure 3.

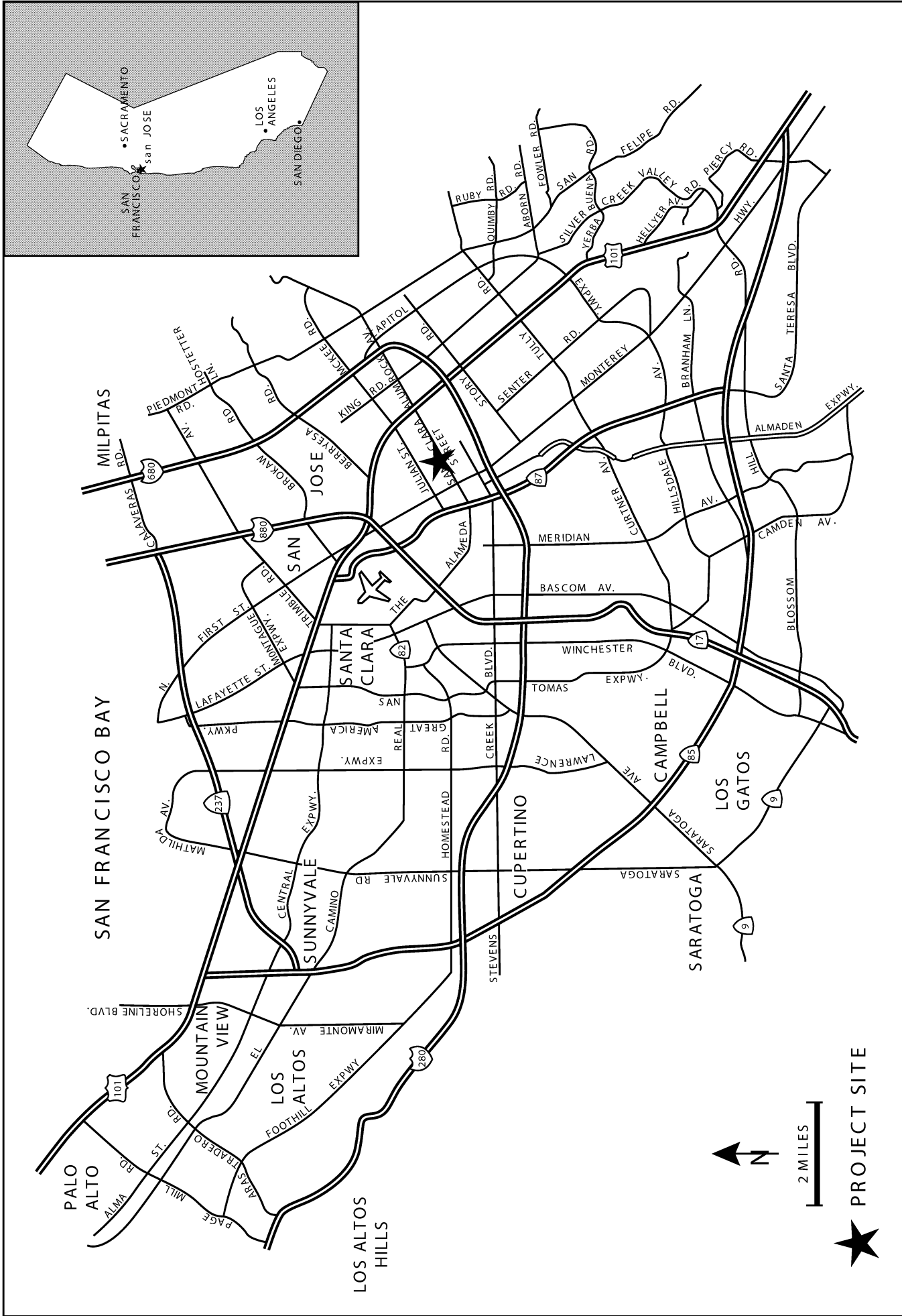
### **C. DESCRIPTION OF THE PROPOSED PROJECT**

The current project proposes the development of a three-bay parking structure on the 1.22-acre site, which would contain between 1,128 and 1,250 parking spaces and up to 7,660 square feet of ground floor commercial/office uses.<sup>3</sup> The proposed parking structure would be eight levels, with one level below grade and seven levels above grade, for an above-ground building height of approximately 70 feet. The top level would consist of the parking surface with a three-foot high wall around the sides of the structure. The main access to the proposed parking structure would be from North Fourth Street, which is a three-lane, one-way street with traffic traveling in the southbound direction. A secondary access would be located on North Fifth Street, which is a two-way, two-lane north/south street. A commercial/office space area (up to 3,850 square feet) would be located on the first level along North Fourth Street, and a commercial/office space area (up to 3,810 square feet) would be located on the first level along North Fifth Street. The layout and location of the proposed parking structure are shown on Figure 4, and conceptual elevations and sketches are shown on Figures 5 and 6.

---

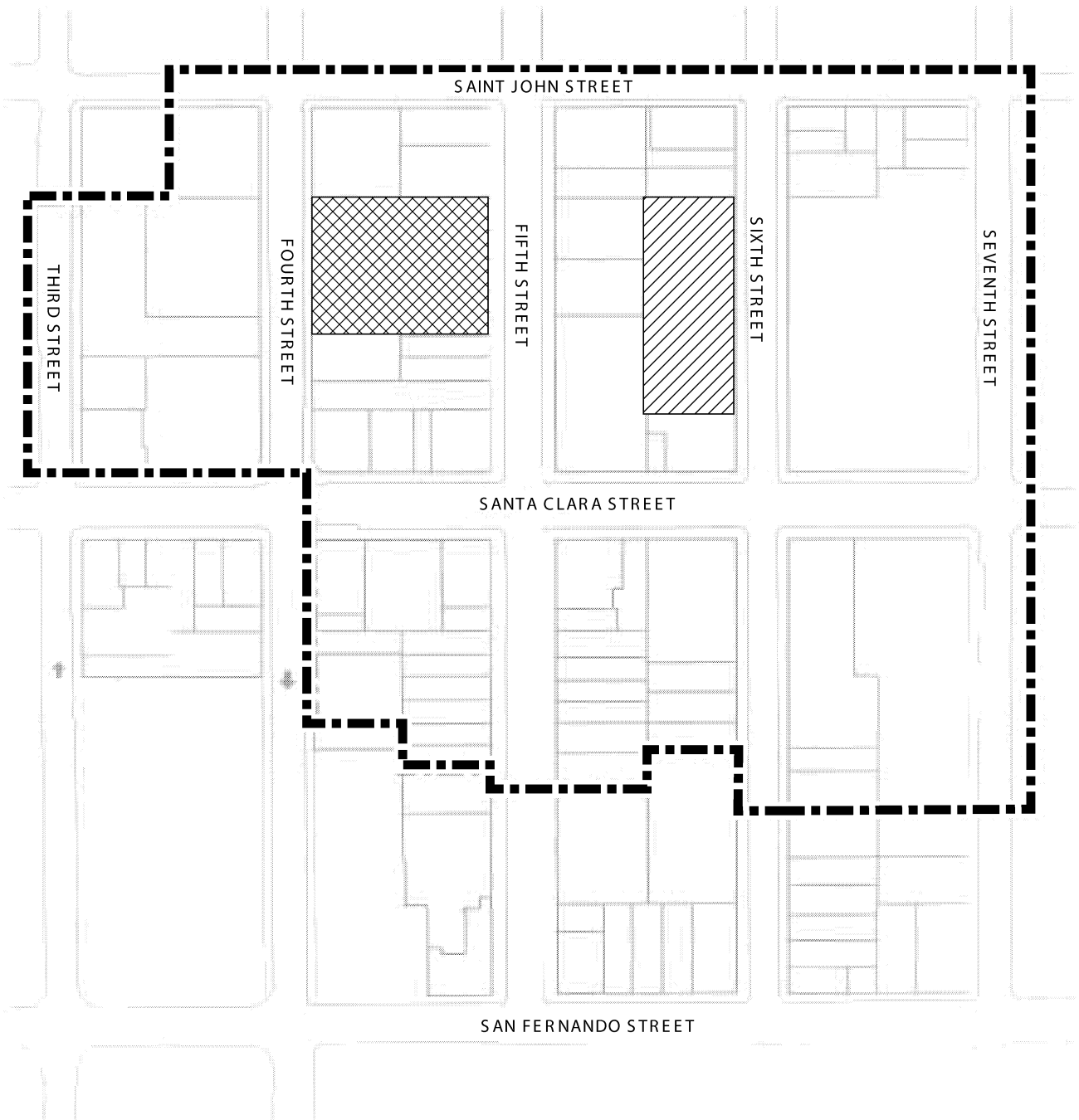
<sup>2</sup>Certified by the City Council of the City of San José on September 2, 2003. Copies of this and all other documents referenced in this EIR are available for review in the San José City Department of City Planning, Building and Code Enforcement during normal business hours.

<sup>3</sup>This is consistent with direction in City Council Resolution No.71742 adopted on September 9, 2003.



REGIONAL MAP

FIGURE 1



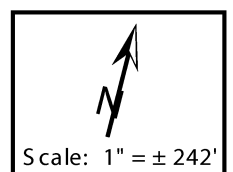
Proposed New Parking Structure Location



Previously Approved Parking Structure Location



Civic Plaza Redevelopment Plan Area Boundary





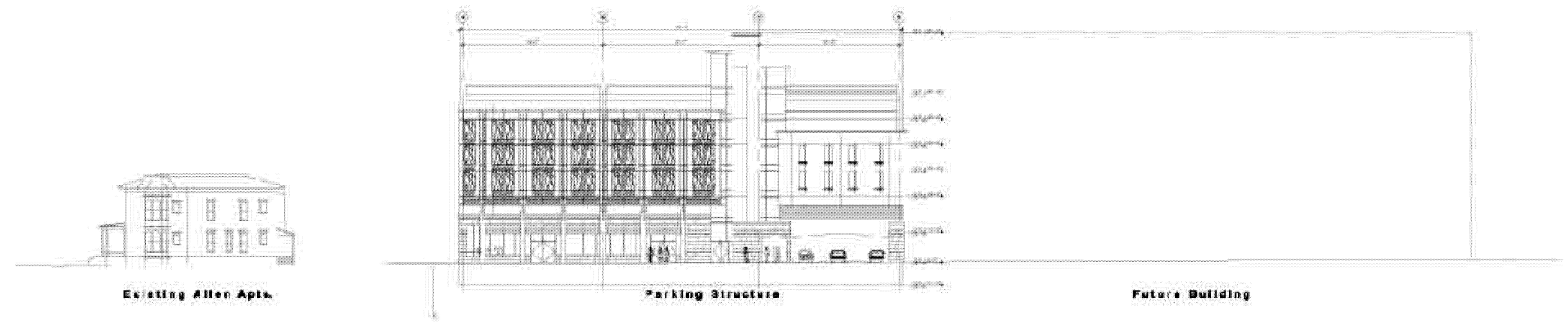
----- Project Boundary  
Scale: 1" = ± 206'  
Photo Date: August 2002

AERIAL PHOTOGRAPH

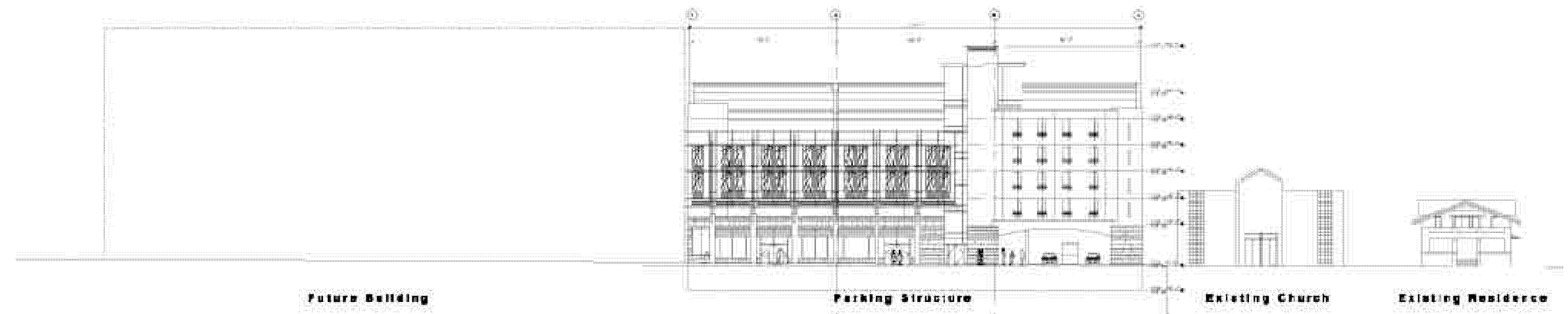
FIGURE 3







**4th Street Elevation**



**6th Street Elevation**





5th Street Frontage...as seen from St. John Street



4th Street Frontage...as seen from St. John Street

The primary use of the parking structure during normal business hours would be by City Hall employees. City Hall also has frequent nighttime meetings, when the parking structure will be used. Also, as described on page eight of the 1999 Final EIR, parking for the performing arts facility, the First United Methodist Church, and the Apostolic Church would be provided in the proposed parking structure. Primary use of the performing arts facility will be during evenings and weekends, when most City Hall employees are not present. Visitors to other evening activities in the area, such as concerts at the Le Petit Trianon Theatre, may also use this parking. The parking structure is anticipated to have gate controlled entrances with attendants.

The proposed project would displace the existing vacant Fox Building and the current EHC apartment building located on the southern portion of the site. The proposed project would replace part of the previously proposed performing arts theater complex and a previously proposed new public street connection between North Fourth Street and North Fifth Streets.

The RDA is presently evaluating the feasibility of a performing arts facility further south on this block, on the north side of East Santa Clara Street, between North Fourth and North Fifth Streets, south of the proposed parking structure. Should this property not be selected for a performing arts center, it could be considered for a commercial development site. The redevelopment of the property would be consistent with the goals of the Redevelopment Plan to revitalize the area and to strengthen its economic base (see Section I.D. of this DRSEIR). The design of any future project on this site, whether the performing arts center or a private development, would be evaluated for its consistency with the landmark architecture of the new City Hall/Municipal Service Building complex under construction across the street.

Project construction for the parking structure is expected to commence in the Fall of 2004. Project construction is estimated to take 14-15 months, with completion near the end of 2005. City employees are scheduled to begin moving into the new City Hall structure in April of 2005, with completion of the move anticipated in August, 2005.

### **Interim Parking Strategy**

The City is developing a short-term strategy that addresses how parking will be accommodated for City Hall employees during the period after City Hall has been relocated and before the new parking structure is complete. The plan will have to rely on a continuing evaluation of supply and demand, and a combination of existing downtown parking lots and garages as well as the existing parking lots around the current City Hall (from which employees would take LRT or shuttles). The use of the various downtown and peripheral locations will result in some expense to the City. The cost will be specific to each location and can be in the form of leasing fees, shuttle costs, or even construction costs for vacant sites.

The interim parking strategy is presently anticipated to include some or a combination of the following elements:

- Parking at various existing publicly owned facilities that are within walking distance, but will not all be within a five-minute walk. Estimated walking distances could be approximately 15 minutes.
- Parking at public facilities that are within approximately 15-minute walking distance and parking at parking facilities at peripheral locations (more than 15-minute walking distance) that are presently controlled by the City but are under short-term lease agreements. Access to these peripheral facilities will be by shuttle.

- Using current parking spaces (at distant locations such as the current City Hall) and LRT or shuttles.

There are shortcomings with all of the possible methods identified for providing parking for employees during any interim period until a new parking structure is available. There is no consistently underutilized, available supply of parking within a convenient walking distance of the new City Hall/Municipal Services Building complex that would meet the needs of the new City Hall. Therefore, it will be necessary to use parking that would otherwise be used by, or be available for use by, other businesses.

At the present time, there is a substantial vacancy rate in downtown office space. City staff estimates that approximately 600,000 square feet of Class B office space is presently vacant.<sup>4</sup> Improved economic conditions that reduce vacancy rates will also increase demand for parking spaces that are currently underutilized. While there is no way to know when an economic improvement may begin to effect downtown vacancy rates, the City's ongoing practice has been to maintain flexibility in its planning for expansion of public parking in order to ensure that parking supply does not constrain economic recovery.<sup>5</sup> Additional factors that must be taken into account by the City include the planned development of properties that are now or have recently been used for public parking (see discussion of Alternative Sites H, I, and J in the next section). The availability of public parking relative to future development must be evaluated on an ongoing basis, apart from the demand associated with completion of the City Hall/Municipal Services Building complex.

The dislocation and inefficiencies inherent in moving City Hall is likely to have adverse impacts on the residents and businesses served by City Hall. An important element in accomplishing the move is to minimize the disruption of public services. As an employer, the City will need to consult with employee representatives about proposed methods for providing interim parking. If parking cannot be provided in a reasonably convenient location, the move is likely to further increase employee stress from the relocation. Suddenly making it more difficult (or more expensive) for employees to get to work is likely to have adverse impacts on employee morale, increasing lateness and absenteeism, reducing job satisfaction, and increasing employee turnover. These factors, in turn, make it more difficult for the City to provide services to its residents and businesses in a consistent and acceptable fashion.

It is presently anticipated that there will be a period of approximately six months from the time the City Hall/Municipal Service Building complex is complete until the proposed parking structure is ready for use. To the extent possible, it is the City's position that this time period must and will be minimized for the following reasons:

- The longer the delay in providing close-in parking for the relocated City Hall functions, the greater the likelihood that parking overflow will adversely impact nearby residents and businesses.
- The City will incur additional expenses in providing off-site parking, at a time when constraints on public monies are substantial.
- Previous agreements for redeveloping existing parking lots will impact the availability of some of the parking supply over time.
- Leases for some of the existing parking sites will expire.
- Cumulative parking demand could impact arena operations.

---

<sup>4</sup>Class B office space is the most likely to utilize public parking facilities.

<sup>5</sup>James Ortbal, Assistant Director, City of San José Department of Transportation.

- Economic recovery will effect the availability of parking. Inhibiting the economic recovery of the downtown is contrary to City policies and the City's interests.
- Providing parking at distant locations for an extended and unknown period of time will impact employee morale, and may increase absenteeism, lateness, and employee turnover. These factors will, in turn, effect the provision of public services.

### **Site Grading**

The project site is mainly flat. Extensive grading would be necessary to excavate the site for construction of the below-grade parking level. It is anticipated that roughly 27,000 cubic yards of soil will be excavated from the site to accommodate the below-grade level of the parking structure. This excavated material would be disposed of at an appropriate site or held for re-use by the City. It is anticipated that excavation of the site would require approximately 3,600 truck trips, with peak levels of approximately 225-240 truck trips per day.

### **Infrastructure Improvements**

Development of the project would require construction and extension of the infrastructure necessary to serve the proposed parking structure. The project would provide street improvements, such as new curbs, gutters, sidewalks and street lights along the project frontages on North Fourth Street and North Fifth Street. The proposed development would drain to an existing storm drainage system and would require additions to the existing collection systems to serve the site area. The project would also provide for the extension of other utility lines within the project boundary, such as electric power lines. The existing overhead utility lines along Fourth and North Fifth Streets would be undergrounded.

## **D. PROJECT OBJECTIVES**

The objectives of the project include development of a 1,128 to 1,250-space parking facility within the Civic Plaza Redevelopment Plan area to serve the City Hall/Municipal Services Building complex and other nearby uses. The proposed parking structure is also intended to help achieve the overall objectives of the Redevelopment Plan identified in the 1999 FEIR certified for the Redevelopment Plan and listed below. The parking structure is proposed on the current site for several reasons, including the need to reduce traffic and safety concerns associated with locating the Civic Plaza parking structure on North Sixth Street, across from Horace Mann School, as previously proposed.

The objectives of the Civic Plaza Redevelopment Plan, which the parking structure is intended serve, are:

- Revitalize the deteriorated neighborhood and eliminate blight in the Redevelopment Plan area;
- Strengthen the economic base of the Redevelopment Plan area and the community in general by providing necessary assistance to stimulate revitalization and new commercial expansion;
- Replan, redesign, and develop underdeveloped areas that are economically stagnant, physically constrained, and/or underutilized;
- Rehabilitate or replace substandard and deteriorated public improvements within the Redevelopment Plan area;
- Provide additional or improved recreational, cultural and educational facilities available to the community, such as libraries, theaters, parks and playgrounds;

- Encourage, by the provision of assistance, in appropriate instances, the rehabilitation and seismic strengthening of commercial buildings in the Redevelopment Plan area;
- Attract additional private investment and employment into the Redevelopment Plan area and adjoining areas;
- Support development of a new City Hall/Municipal Services Building complex;
- Develop new local public and quasi-public uses that serve the needs of the immediate neighborhood and all of the citizens of San José; and
- Consolidate City municipal facilities at a single Downtown location that will provide a catalyst for, and foster private redevelopment and elimination of blight in the Redevelopment Plan area and nearby downtown redevelopment project areas.

### **Criteria for Selecting Alternative Sites**

There were several criteria that were used in identifying, evaluating, and selecting candidate sites for consideration as sites for the relocated parking structure. The criteria were intended to address the feasibility of possible sites, as well as commitments made to the nearby community during the redevelopment project implementation process. These site selection criteria included requirements that a suitable site should:

- Be within five-minute walking distance of the City Hall/Municipal Services Complex;
- Not encroach into the nearby residential neighborhoods;
- Not cause parking spillover or increased traffic in the nearby residential neighborhoods;
- Be available for sale by a willing purchaser;
- Not result in new or significantly increased environmental impacts;
- Not be proximate to sensitive uses;
- Be consistent with the plans and policies adopted for the Downtown, the Redevelopment Project area, and the City as a whole;
- Fall within the cost constraint set by the voters in approving the relocation of City Hall (Measure I);
- Not exceed the approved budget for the project set by the City Council.

### **E. PTC COMMENT ON THE DRAFT SEIR**

The following comment was made by the Civic Plaza Parking and Traffic Committee in a letter submitted on the Draft SEIR:

The PTC was instrumental in selecting the site currently under consideration. At the time, it appeared to be the most feasible of sites suggested by the Redevelopment Agency to meet the newly increased parking demand. Other available sites were deemed to be either too close to an elementary school or not large enough to produce the new, desired capacity. Had PTC members known of the impacts such as demolition of a historic structure, shade and shadows on residential properties, along with the health and safety hazards and degradation of the surrounding neighborhood, and had a chance to weight these impacts – it is likely that this site would not have met the PTC's criteria for a feasible site for this parking structure.

The response to this comment that was included the Final SEIR was:

The comment is noted. No further response is required, as this comment does not raise any questions about the adequacy of the DEIR.

The following information is provided to clarify the site selection process that was followed in the selection of the currently proposed parking structure site.

The original information provided to PTC included all of the information that was known at that point in the process. The parking structure was still in preliminary design, the RDA and City staff were still evaluating alternative sites. Various alternative designs were analyzed, and the search for an alternative site was continued. The discussion in Section V of this DRSEIR describes the various properties that were identified and evaluated, and the process that was subsequently followed in trying to find an environmentally superior, feasible alternative site.

On April 17, 2001, the City Council approved the recommendation from the PTC/PAC regarding the general location of the project site. Environmental clearance for this relocation was obtained with an Addendum to the 1999 FEIR. The Addendum evaluated the inclusion of 400 parking spaces at the new City Hall/Municipal Services Building complex and 1,250 spaces in the off-site parking structure, at its new location between North Fourth Street and North Fifth Street.

However, both members of the public and City staff had a concern about the impact of the proposed garage's proximity to the Donner-Houghton House, an historic building on the north side of the site that is listed on the National Register.<sup>6</sup>

On January 14, 2003, the City Council directed a relocation study of the garage, requesting an evaluation of whether the project could be moved or reconfigured so as not to conflict with the Donner Houghton House or the historic Apostolic Church. It was acknowledged that the prospect of moving the garage to meet this objective might "impact the current location of the Fox building", possibly leading to its demolition. In recognition of the impacts associated with the site, the relocation study was incorporated into an EIR. In March 2003, the Notice of Preparation for a Supplemental EIR stated that the proposed parking structure would displace the Fox Building and, if the Fox Building was found to be a significant historic resource, its demolition would be a significant impact.

The Final SEIR prepared for the Civic Plaza Parking Structure Project identifies a number of on-site variations that were evaluated as possible means of avoiding demolition of the Fox Building. These included a smaller structure (Section V.B. Reduced Parking Structure Alternative), notching the parking structure to fit around the Fox Building (Section V.C. Notched Design Alternative), a smaller parking structure that is also notched to fit around the Fox Building (Section V.D. Reduced Parking Spaces and Notched Design Alternative), moving the parking structure north near the Donner Houghton House and removing the Apostolic Church (Section V.E. Northern Site Alternative), and moving the parking structure north, removing the Apostolic Church, and notching the parking structure to not be so close to the Donner-Houghton House.

As reflected in the following sections of this DRSEIR, a great many other possible sites were evaluated, and most were found to not be feasible or suitable for developing a parking structure. Some would involve environmental impacts as great as, or greater than, those associated with this site.

The comment states that if the PTC had known of all of the environmental impacts that might result from the project as it is proposed, then the PTC would not have found the proposed site to be the most feasible. Some members of the PTC have publicly supported the proposed location in order to

---

<sup>6</sup>The Donner Houghton House is described on page 39 of the FSEIR.

preserve and protect the other historical resources. The PTC review process was part of the preliminary site selection process; although not binding on the City, it was followed in order to encourage and facilitate community input during that very early part of the overall project development. The complete environmental analysis was represented by the SEIR prepared as the next step after the preliminary site selection had identified a focus for the detailed analysis to consider.

After the DSEIR was circulated, the PTC was provided with the DSEIR document and their comments were then included in the Final SEIR for further consideration. The information provided in this DRSEIR may also be considered by the PTC in refining or revising its recommendations as to the most feasible and most suitable site for the parking structure.

The PTC and PAC have advisory roles in selecting the parking structure site. The ultimate responsibility for deciding upon the project location and design is the San José City Council's.

## **V. ALTERNATIVES TO THE PROPOSED PROJECT**

---

As explained more fully in the Preface section of this DRSEIR, a basic purpose of this document is to communicate to the public and the project's decision makers the process that was followed in selecting the proposed project site, especially the environmental factors associated with the alternative sites considered but not selected. The following section identifies the alternative sites that were considered during the entire site selection process, discusses the basic criteria that were used in identifying and evaluating those sites, and explains the environmental impacts that might reasonably be assumed to occur if those sites were to be selected. Assumptions that were made at the time of the selection process about the feasibility of the sites are identified, and an update of their current feasibility is provided.

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which would "feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project...." [§15126.6(a)] This is defined in the same section of the CEQA Guidelines as not meaning every conceivable alternative to the project, but only a reasonable range of potentially feasible alternatives.

Because an EIR must identify ways to mitigate or avoid significant impacts, the discussion of alternatives is supposed to focus on alternatives "to the project or its location" that will substantially lessen or avoid the significant effects of the project, even if the alternatives might impede the attainment of project objectives or be more expensive. [§15126.6(b)]

The three critical factors to consider in selecting and evaluating alternatives are, therefore, (1) the significant impacts from the proposed project which should be reduced or avoided by an alternative, (2) the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

### **Significant Impacts of the Proposed Project**

As summarized on page 92 of the FSEIR for the Civic Plaza Parking Structure Project, the significant unavoidable impacts of the proposed parking structure include:

- shade and shadow impacts on residential uses and private open space areas near the proposed site;
- demolition of the Fox Building, a significant historic resource;
- short term noise impacts from project construction;
- visual and aesthetic impacts due to the size of the proposed building relative to its surroundings;
- in combination with the previously approved Civic Plaza Redevelopment Project, the parking structure would contribute to significant congestion on two freeway segments, as identified in the FEIR for the Civic Plaza Redevelopment Project;
- in combination with the previously approved Civic Plaza Redevelopment Project, the parking structure would contribute to significant regional air quality impacts, as identified in the FEIR for the Civic Plaza Redevelopment Project;
- a cumulatively significant contribution to cumulatively significant impacts on historic resources when considered in combination with other past, present, and reasonably foreseeable future projects.



The first question to be addressed in evaluating any alternative is, therefore, whether it could reduce or avoid any or all of these significant impacts that would result from the project as it is proposed. Because the project will serve vehicles driven by employees within the previously Civic Plaza Redevelopment Plan area, all alternatives that provide parking for these vehicles will contribute equally to the cumulative traffic and air quality impacts of the larger project.

### **Project Objectives**

The objective of the proposed project is to develop a 1,128 to 1,250-space parking facility within the Civic Plaza Redevelopment Plan area in order to serve the City Hall/Municipal Services Building complex. The proposed parking structure would serve the needs of the proposed Redevelopment Plan uses, and therefore, would help achieve the overall objectives of the Redevelopment Plan, as they were identified in the 1999 FEIR. The parking structure is proposed on the current site for several reasons, including the need to reduce traffic and safety concerns associated with locating the Civic Plaza parking structure on North Sixth Street, across from Horace Mann School, which was the site evaluated in the 1999 FEIR.

The overall objectives of the Civic Plaza Redevelopment Plan, which the parking structure is intended serve, are:

- Revitalize the deteriorated neighborhood and eliminate blight in the Redevelopment Plan area;
- Strengthen the economic base of the Redevelopment Plan area and the community in general by providing necessary assistance to stimulate revitalization and new commercial expansion;
- Replan, redesign, and develop underdeveloped areas that are economically stagnant, physically constrained, and/or underutilized;
- Rehabilitate or replace substandard and deteriorated public improvements within the Redevelopment Plan area;
- Provide additional or improved recreational, cultural and educational facilities available to the community, such as libraries, theaters, parks and playgrounds;
- Encourage, by the provision of assistance, in appropriate instances, the rehabilitation and seismic strengthening of commercial buildings in the Redevelopment Plan area;
- Attract additional private investment and employment into the Redevelopment Plan area and adjoining areas;
- Support development of a new City Hall/Municipal Services Building complex;
- Develop new local public and quasi-public uses that serve the needs of the immediate neighborhood and all of the citizens of San José; and
- Consolidate City municipal facilities at a single Downtown location that will provide a catalyst for, and foster private redevelopment and elimination of blight in the Redevelopment Plan area and nearby downtown redevelopment project areas.

### **Feasibility of Alternatives**

CEQA, the CEQA Guidelines, and the case law on the subject have found that feasibility can include a wide range of factors and influences. The Guidelines advise that such factors *can* include (but are not necessarily limited to) the suitability of an alternate site, economic viability, availability of infrastructure, consistency with a general plan or with other plans or regulatory limitations, jurisdictional boundaries, and whether the project proponent can “reasonably acquire, control or otherwise have access to the alternative site”. [§15126.6(f)(1)]

## Site Selection Process

The Final EIR that was prepared for the Civic Plaza Redevelopment Plan concluded that the parking associated with implementation of the proposed project would not result in significant impacts. The bases of this conclusion included the quantity of parking provided – which was judged sufficient to meet the needs of the new facilities proposed for the near term or first phase of the Plan – and the proposed location of the parking spaces that would be provided. At that time, the near term parking included in the Redevelopment Plan area was proposed to be located at the City Hall/Municipal Services Building Complex on the south side of Santa Clara Street, and in a parking structure on the west side of North Sixth Street, north of Santa Clara Street. Subsequent to certification of that Final EIR, the City re-examined the decision to locate the parking at the locations identified in the Final EIR, as discussed in detail in the Background and Overview section of the parking structure FSEIR (on pages 1-2).

In 1998, two local committees, the Project Area Committee (PAC) and the Parking and Traffic Committee (PTC) were formed to review the plan for the Civic Plaza Redevelopment Plan. In November 2000, these committees recommended that the Civic Plaza parking structure not be constructed at the North Sixth Street location because of traffic and safety concerns associated with Horace Mann School.<sup>7</sup>

At approximately the same time, on November 28, 2000, the City Council approved the project budget for the City Hall/Municipal Services Building complex which modified the schematic design approval to provide for 400 on-site parking spaces, which was 445 spaces fewer than the quantity evaluated in the 1999 FEIR. Off-site parking was to consist of 1,250 spaces in two locations, a structure at North Fourth and St. John Streets, and one on the west side of North Sixth Street.

In the process of identifying an appropriate new site for the City Hall/Municipal Services Complex off-site parking structure, the City of San José Redevelopment Agency conducted an evaluation of potential sites within a five-minute walk of the new City Hall/Municipal Services Complex. The middle of the block bounded by North Fourth Street, St John Street, North Fifth Street, and East Santa Clara Street was identified as suitable, available, and consistent with the objectives of the Redevelopment Plan and the PTC. On February 13, 2001, the PTC and PAC meeting together found that the North Fourth Street site was the most feasible site identified at that time.<sup>8</sup>

In April 2001, the City Council approved relocation of the off-site parking structure to the currently proposed project site, between North Fourth Street and North Fifth Street, on property that was approximately 276 feet north of Santa Clara Street. This action was prompted, in part, by concerns expressed by the PTC/PAC about the previously approved location of the parking structure on North Sixth Street.

Construction of the proposed parking structure on this newly proposed site would not replace existing parking used by Vintage Tower and the First United Methodist Church (as would the site on North Sixth Street). A parking structure on North Fourth Street does not, therefore, need to include parking spaces for those uses. Child care facilities are no longer included in the City Hall/Municipal Services Complex project plans, and no parking for that use is included in the proposed parking

---

<sup>7</sup>The conflicts with Horace Mann School were created in part by the reconstruction of Horace Mann School which occurred after the certification of the 1999 FEIR. The reconfigured school now has an entrance on North Sixth Street which did not exist in 1999.

<sup>8</sup>Minutes of the PAC/PTC meeting are available in the office of the Redevelopment Agency.

structure facility. As a result of these changes, there will be fewer total parking spaces in the combination of off-site structure and City Hall/Municipal Services Complex than was proposed in the parking facilities evaluated in the 1999 FEIR, but there are more spaces in the currently proposed off-site structure than was proposed in the North Sixth Street parking structure evaluated in the 1999 FEIR. The differences are summarized in Table 1, below.

<p style="text-align: center;"><b>TABLE 1</b> <b>COMPARISON OF PARKING SPACES</b></p>			
	<b>City Hall/Municipal Services Building Complex</b>	<b>Off-Site Parking Structure</b>	<b>Totals</b>
1999 FEIR	860	995	1,855
Currently Proposed	400	1,250	1,650

The Final SEIR prepared for the Civic Plaza Parking Structure Project describes in Section I.A. Background and Overview of the Project, the process by which the City decided to seek an alternative to the approved Sixth Street location for the parking structure. This process included the City's decisions to reduce the amount of parking south of Santa Clara Street (within the proposed City Hall/Municipal Services Complex), and to move the proposed parking structure farther from Horace Mann School on North Sixth Street. At the bottom of page 1 of the Final SEIR is a statement that the City Redevelopment Agency (RDA) conducted an evaluation of potential sites within a five-minute walk of the new City Hall/Municipal Services Complex.

### ***Multiple Sites***

The discussion above reflects the major benchmarks and decision making processes that took place over the last five years. During this time, various possibilities were evaluated relative to the parking structure and the parking needed to serve the planned uses within the Redevelopment area. Not only was consideration given to making the Sixth Street parking structure bigger (as discussed below under Site B), but the possibilities of reducing the Sixth Street structure and of having multiple parking structures at multiple sites were also evaluated. Not only is it more difficult to find and evaluate multiple sites, it is more expensive to build multiple structures. The basic reason for this is simple: the larger and more compact and more repetitive the container for the parking structure is, the cheaper per parking space the project becomes. It is easiest to demonstrate this by starting with the building walls: a ten foot by ten foot structure contains 100 square feet of floor area and is surrounded by 40 linear feet of walls. To increase the floor space five times (to 500 square feet), the building could be ten feet by 50 feet (or 20 x 25). The floor area increases by five times, but the walls only increase to 120 (or 90) linear feet, a factor of three (or 2.5). It is cheaper per square foot of floor area to build walls that surround 500 square feet than to build walls that surround 100 square feet. The larger building is more efficient than the smaller building.

The structure would need to be designed to fit each site; as demonstrated below in the discussion of various sites, each possible site has different requirements in terms of dimensions, square footage, internal layout, amount of usable floor area per floor, the amount of commercial ground floor space that must be provided, the layout of ramps to reach below grade and upper stories, the number of building sides that must be architecturally treated, the location of openings, etc. Each building must be designed and engineered separately for each site; the same building cannot simply be set down on different sites. Because soil in the downtown area is variable, the degree of soil preparation and/or remediation will also vary between sites, but any site will undoubtedly need appropriate treatment. Likewise, the cost and time to clear and prepare a construction site increases when two non-adjacent sites must be prepared.

The City's Public Works staff estimates that the difference in cost between having 1,128 to 1,250 parking spaces in two buildings, compared to having the same number of spaces in one building, will be between one and one-half to two times greater. This assumes the following differentials:

<i>Cost Item</i>	<i>Increase for Two Structures</i>
land acquisition and clearing	1.5 to 1.75
design and engineering	1.75 to 2.0
project management and oversight	1.5 to 1.75
basic construction unit costs	1.1 to 1.15
soils remediation	1.5 to 2.0
contractor overhead and profit	1.25 to 1.5

The site selection process looked at sites that were too small for a structure that would be necessary to hold all of the off-site parking. This was done because of early uncertainty about whether or not the Sixth Street garage could remain at its previously approved location if some parking could be built elsewhere. In particular, small but very convenient (*i.e.*, close-in) sites were considered during this process. Even after the City Council directed that the parking structure be moved away from Sixth Street, the possibility of multiple sites was still being considered because large enough sites were so difficult to find. In addition to the increased cost, however, the difficulty of finding more than one suitable site, negotiating an appropriate purchase price, finding a relocation site for the existing occupants (where that was necessary) for both sites, and then accomplishing the relocations, were seen to create a substantial delay in implementing the parking structure project.

In addition to cost, another factor with multiple sites is the possibility that persons looking for parking and unable to find it in one parking structure might cruise through nearby neighborhoods on their way to the second structure; increased traffic in residential neighborhoods could cause traffic congestion or safety risks to pedestrians. This could be controlled by assigning parking spaces to employees.

While the discussion of alternative sites below includes several properties that are too small for the entire parking structure, finding a single site for the parking structure was identified relatively early in the process as the more feasible method for accomplishing the project in time to have the parking available when the City Hall relocation occurs.

### *Criteria for Selecting Alternative Sites*

There were several criteria that were used in identifying, evaluating, and selecting candidate sites for consideration as sites for the relocated parking structure. The criteria were intended to address the feasibility of possible sites, as well as commitments made to the nearby community during the redevelopment project implementation process. These site selection criteria included requirements that a suitable site should:

- Be within five-minute walking distance of the City Hall/Municipal Services Complex;
- Not encroach into the nearby residential neighborhoods (defined to generally mean remain south of St. John Street and west of Seventh Street);
- Not cause parking spillover or increased traffic in the nearby residential neighborhoods;
- Be available for sale by a willing purchaser;
- Not result in new or significantly increased environmental impacts;
- Not be proximate to sensitive uses;
- Be consistent with the plans and policies adopted for the Downtown, the Redevelopment Project area, and the City as a whole;
- Provide parking for the new City Hall/Municipal Services Building Complex when it is completed or as soon after it is completed as possible;
- Fall within the cost constraint set by the voters in approving the relocation of City Hall (Measure I);
- Not exceed the approved budget for the project set by the City Council.

#### *Distance, Neighborhood Encroachment and Parking Spillover*

The primary criterion for the parking structure site has always been its distance from the new City Hall/Municipal Services Building Complex which is presently under construction, but the walking distance criterion is closely linked to the two next criteria relating to impacts upon nearby neighborhoods. The five-minute walk is the primary criterion because the City's Public Works staff recognizes that people will walk five minutes from a parking place to their destination, but if the walk is much longer, they will attempt to park closer. The basic purpose of the proposed project is to provide parking for the City Hall/Municipal Services Complex; if the parking structure is not close enough to the City Hall/Municipal Services Complex, then it will not serve the users of the City Hall/Municipal Services Complex and does not meet its most fundamental purpose. The five-minute walking distance is the distance most commonly identified by traffic engineers as a "reasonable" walking distance; the time translates to approximately one-quarter mile.<sup>9</sup>

The Civic Plaza Redevelopment Area is closely bounded by established residential neighborhoods and small businesses that could be adversely impacted by spillover parking in the quantities that could be generated by a project of the size proposed. Even with the permit parking programs

---

<sup>9</sup>Typical walking speed is 3 miles per hour, or 20 minutes per mile. Thus, one quarter mile should take 5 minutes.

proposed (and now established in the area), visitors and employees forced to walk what they consider excessive distances will risk a ticket to park closer to their destination.<sup>10</sup>

The residents of nearby neighborhoods expressed great concern during the Redevelopment Project approval process that the uses proposed within the Redevelopment Area not be allowed to cause a degradation of the neighborhoods. In order to result in no greater likelihood for parking spillover impacts than those identified in the Final EIR for the overall Redevelopment Plan, the City determined that the relocated parking structure must be within a convenient and feasible walking distance for persons working at and visiting the new City Hall.

A criterion related to the distance from the destination served is the proximity of any parking structure site to the established neighborhoods in the area. As illustrated in Figure 7, there are residential neighborhoods immediately adjacent to the east and north of the Redevelopment Project Area. As shown on Figure 7, both Seventh Street and St. John Street are physical boundaries beyond which a parking structure site is likely to result in significant new or additional impacts on residential neighborhoods.

#### *Willing Purchaser and Schedule for Completion*

The availability for purchase of property is always a factor in a public project. Whenever a governmental agency exercises the right of eminent domain, the established use must be weighed against the proposed public purpose. This requires that the governmental agency evaluate the burden that taking the property will impose upon the existing occupant/owner, provide for appropriate relocation, and make reasonable accommodation within the schedule for purchase and construction. This is a particular concern for established churches and other institutional land uses that must usually maintain geographic and social linkages with the community they serve. Another aspect of whether or not the seller is willing to sell the property relates to schedule.

The basic purpose of this project, as described above, is to provide parking for the City Hall/Municipal Services Building Complex, which is under construction and scheduled for completion in the fall of 2005. The City has planned for an interim parking program that will bridge a short term delay in providing parking when the City Hall/Municipal Services Building Complex first opens. The plan will have to rely heavily on "borrowed" spaces, since there is no recognized supply of surplus parking Downtown. The longer an adequate close-in supply of parking is not available for employees working at the City Hall/Municipal Services Building Complex, the greater the burden that will be placed on City employees and on the occupants of neighboring land uses that include residences, businesses, nearby churches, the elderly residents of nearby senior housing complexes, Horace Mann School, the newly opened Martin Luther King Jr. Library, and San José State University. Eminent domain is typically a more time consuming process than negotiating with a willing seller, especially where relocation of existing land uses must also be accomplished.

Following the processes for the exercise of the City's eminent domain power established by California Code of Civil Procedure sections 1230.010 *et seq.*, the City is usually able to obtain physical possession of an occupied property it wishes to acquire approximately five to six months after it begins the process by ordering an appraisal of that real property. The exact timing of

---

<sup>10</sup>This has been the City's experience at the existing governmental buildings complex on North First Street.

possession varies based on a number of factors, including any difficulties in serving a Ninety Day Order for Possession Before Judgment on the property owners and occupants. If the property owner contests the City's right to take the property, possession by the City would typically be delayed by an additional three to nine months.

### *Sensitive Uses*

Other criteria used to evaluate alternative sites included their proximity to sensitive uses such as Horace Mann School, and the anticipated presence of environmental constraints (such as historic buildings or hazardous materials contamination).

The reason for moving the parking structure from its proposed Sixth Street location was to reduce its impacts on Horace Mann School; there would be no purpose in moving the structure if it would still cause problems for Horace Mann School. The proximity of other sensitive uses would likely increase the environmental effects of the project, would require unique design solutions (thus also increasing cost and delay), and may conflict with General Plan policies and thus be undesirable from a land use planning standpoint. The presence of constraints such as historic buildings or contamination also is likely to result in increased impacts, increased costs, delay, and may also be in conflict with other community goals (such as the preservation of historic resources).

### *Cost and Budget*

Cost is always a relevant factor in the feasibility of a project. The overall cost of moving City Hall is constrained by Measure I, which established the criteria for moving City Hall. The City Council has also identified a budget (with identified funding) within which the entire City Hall relocation, including the provision of parking, must be accomplished. Within the larger City Hall budget, \$25 million is budgeted to build the off-site parking structure.<sup>11</sup>

The issue of cost was relevant in the determination that a single parking structure site was more desirable than multiple structures. Site acquisition is a major element of the project's anticipated cost and it is, generally, more expensive on a square foot basis to acquire multiple sites. The construction costs of multiple structures is also disproportionately greater than for a single structure; excavation costs, in particular, are magnified substantially if more than one hole must be dug. While a single site was identified as preferable to multiple sites, the possibility of multiple sites was not precluded during the site selection process. Several of the alternative sites discussed below are too small to accommodate a 1,000+ parking space structure; these smaller sites were evaluated for their viability in the context of multiple sites.

---

<sup>11</sup>This budget amount includes design, engineering and construction. This does not include site acquisition, since the money budgeted for acquisition was spent on the current site.

## *Analysis of Alternative Sites*

Figure 7 illustrates the five minute walking distance radius, measured from the center of the City Hall/Municipal Services Complex site.<sup>12</sup> Figure 7 also includes shading on those areas and individual properties that would be inherently unsuitable for a parking structure because the existing land uses on these properties, which are consistent with their existing General Plan designations, would have to be removed. These unsuitable areas include the San José State University campus, the recently rebuilt Horace Mann School, the established residential neighborhoods north of St. John Street and east of Seventh Street, and recently constructed high density residential developments on the west side of Fourth Street. Despite the City's commitment to not encroach into the residential neighborhoods, some sites north of St. John Street and east of Seventh Street were subjected to a preliminary evaluation during this process, as discussed below, to determine whether their unique circumstances would support locating the parking structure there, despite their proximity to the residential neighborhoods.

The five-minute walking distance combined with the proximity of residential neighborhoods to the north and east created distinct limits for focusing the selection of alternative sites. The search was made within those limits for vacant or underutilized properties of a size and location to meet the various objectives and criteria identified above. As the search intensified, no vacant properties of the appropriate size were found within the project area.

Specific issues that arose during the search of an alternate site also included the previously planned for theater and street identified in the Redevelopment Plan, and the presence of numerous public/quasi-public and senior serving facilities within and adjacent to the Redevelopment Project area. Each is discussed briefly below.

### *Redevelopment Plan Uses*

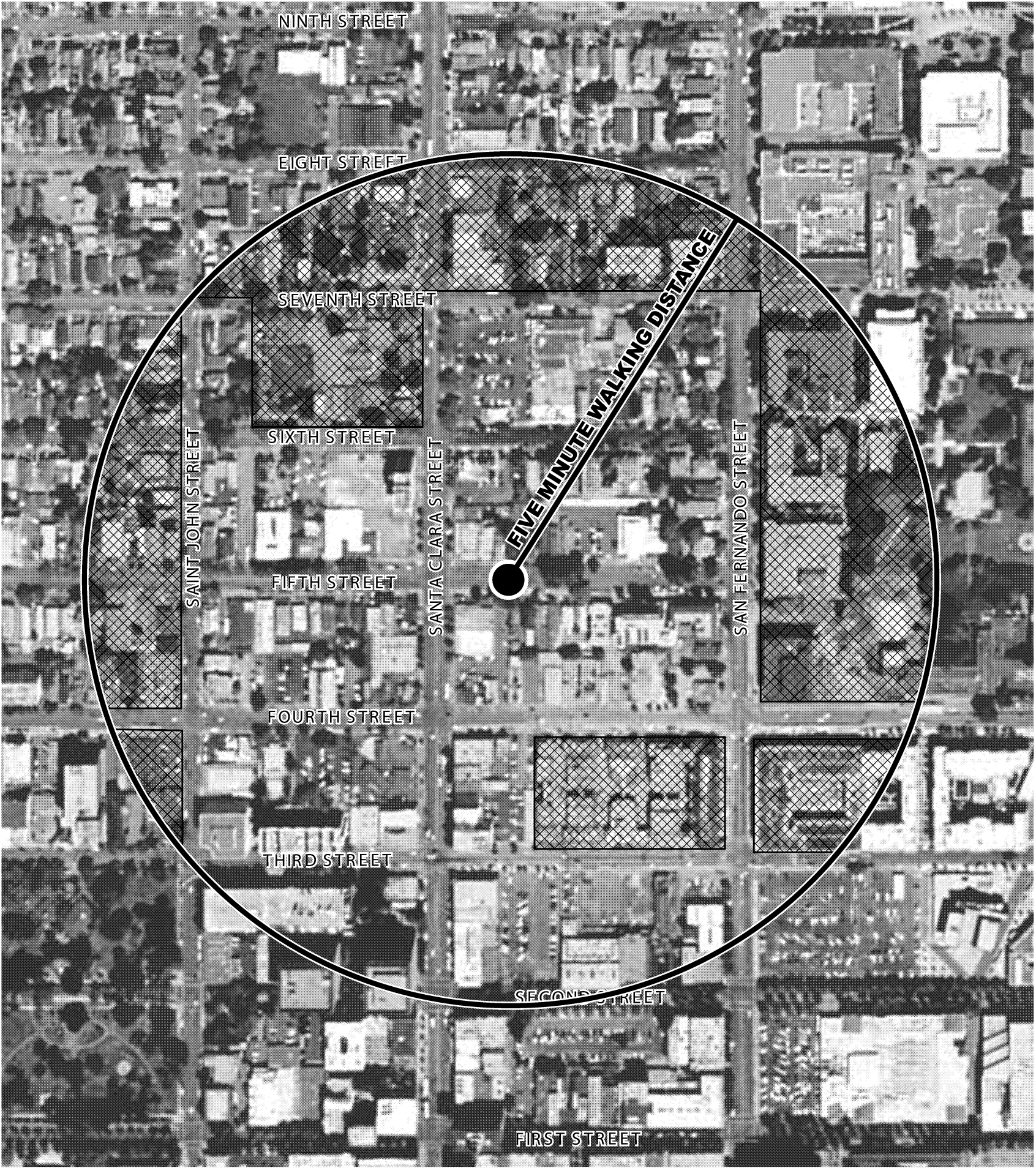
The development of a performing arts theater complex was addressed in the Redevelopment Plan Final EIR, to be located on the southern portion of the block between North Fourth Street and North Fifth Street, on the north side of East Santa Clara Street. The performing arts facility is still included as part of the Near-Term Redevelopment Plan, adjacent to the currently proposed parking structure, although the area available for the facility has been reduced. The performing arts facility site was also considered for redevelopment with a general commercial/office structure, but the Redevelopment Plan was not revised. Most recently, the Redevelopment Agency approved an Exclusive Negotiation Agreement for the initial feasibility studies for development of a downtown theater. The staff report that supported the agenda item identified two possible locations for the theater, one of which is the Agency-owned property on East Santa Clara Street between North Fourth and North Fifth Streets.<sup>13</sup>

---

<sup>12</sup>With the use of a centroid measurement, it should always be kept in mind that some parts of some of the sites may be slightly more than five minutes walking distance from some part of the City Hall/Municipal Services Complex.

<sup>13</sup>Memo to Redevelopment Agency Board from Harry Mavrogenes, Interim Executive Director, dated April 6, 2004.





PROJECT AREA

FIGURE 7

A new public street, connecting North Fourth Street and North Fifth Street, was included in the original Redevelopment Plan, shown just north of the planned performing arts theater complex, within the footprint of the currently proposed parking structure site. As the more detailed plans and programs for development in the Redevelopment Area evolved through discussions with the PAC, it became apparent that the original urban design concept to truncate North Fifth Street midway between Santa Clara Street and St. John Street was infeasible for the existing uses on that street. Consequently, the need for a new street was eliminated when the decision was made to retain North Fifth Street as a through street.

### *Public/Quasi-Public and Senior Facilities*

The nature of many institutional or service uses frequently requires that they be located near or within the communities they serve, especially facilities that serve less mobile populations such as the elderly, children, or chronically ill persons who have limited means of traveling to the facilities. To move such uses away from their geographic base can be disruptive to a large segment of the population. St. Patrick's church and school (north side of Santa Clara Street between North Seventh and North Eight Streets), Jeanne d'Arc Manor (senior housing), and John XXIII Center (senior services) include substantial on-site improvements that are of value to the local community. The acquisition of these properties and the relocation of the facilities on them would require lengthy negotiations, substantial time, and would involve a disruption to a fragile population (in the case of the senior housing and services).

### *Identification of Alternatives*

Based on the criteria and information discussed above, locations identified as potentially feasible included the following sites, which were all evaluated during this process (and which are labeled as A-O on Figure 8). For the purposes of evaluating the feasibility of these alternatives, the analysis done during the site selection process by City and RDA staff, and reflected in the discussion below, relied upon a variety of source documents, including the City's adopted General Plan,<sup>14</sup> the adopted Redevelopment Plans for each of the Redevelopment Areas within which the sites are located, the City of San Jose's *Downtown Design Guidelines*,<sup>15</sup> the *Greater Downtown San José Strategy for Development*, and previously prepared environmental documents as referenced. Although it has not been formally adopted at this time, the Downtown Development Strategy was prepared by the Redevelopment Agency working with an appointed Task Force for a period of over one year.<sup>16</sup> Although not yet formally adopted, the Downtown Development Strategy was developed with substantial community input and is currently the best available statement of land use and overall design objectives for the area.

Site A: East side of North Fourth Street between Santa Clara Street and St. John Street. This is essentially the currently proposed project site.

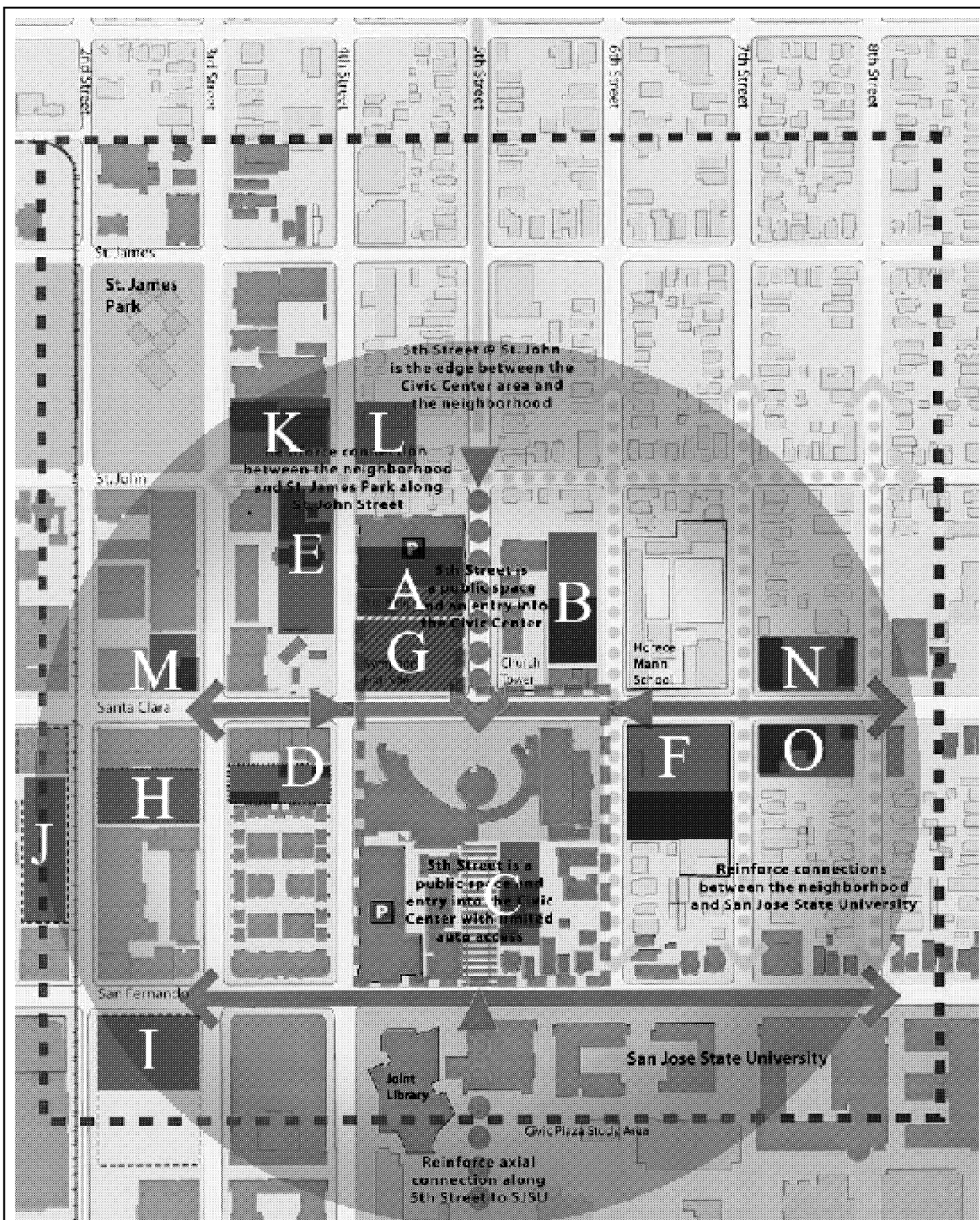
---

<sup>14</sup>*Focus on the Future, San José 2020*, as amended through April 2004.

<sup>15</sup>Adopted by the City Council March 16, 2004.

<sup>16</sup>The *Greater Downtown San José Strategy for Development* is tentatively scheduled for adoption by the end of 2004, and is presently undergoing CEQA review.





ALTERNATIVE SITES

FIGURE 8

Variations on specific boundaries for this site were discussed under the various design alternatives addressed in the Final SEIR prepared for the Civic Plaza Parking Structure Project, in Sections V.B. Reduced Parking Structure Alternative, V.C. Notched Design Alternative, V.D. Reduced Parking Spaces and Notched Design Alternative, V.E. Northern Site Alternative, and V.F. Northern Site Alternative With Notched Design (pages 94-100). Alternative B, the Reduced Parking Structure Alternative, was identified as the Environmentally Superior Alternative in the FSEIR (page 100).

Site B: North Sixth Street between Santa Clara Street and St. John Street. This is the site across from Horace Mann School proposed and evaluated in the previously prepared EIR. The property is now owned by the First United Methodist Church. The owners currently have a permit to construct an office tower and parking in conjunction with the rebuilding of their sanctuary. The plans are being revised to reflect the Church's acquisition of Vintage Tower and the larger project may change to include housing.

As discussed in the FEIR for the Redevelopment Plan (pages 35-42), the originally proposed parking structure would have had significant shade and shadow impacts at the North Sixth Street location, and was also identified as creating some difficulties with the movement of school children (although that was identified as a less than significant impact due in part to the design of the then-existing school). After the City's approval of the Redevelopment Project, the parking structure location was identified during the design review process as unacceptable by the surrounding community's representatives, and the City began seeking a different site for the parking structure. In its currently expanded form with between 333 and 455 more parking spaces, the parking structure would have even greater shade, shadow, and vehicle circulation impacts at the North Sixth Street site than were identified in the 1999 FEIR.

This site alternative is also essentially the same as the No Project Alternative, which was evaluated in the Final SEIR prepared for the Civic Plaza Parking Structure Project, and which is also included in the analysis below.

Site C: This site is on South Fifth Street immediately south of the City Hall/Municipal Services Complex, on land presently occupied by the Disciples of Christ Church and its parking and an adjacent house.

The environmental impacts and feasibility of this alternative are discussed below.

Site D: Site D is on South Fourth Street north of the recently constructed apartments and south of a row of commercial structures that front on Santa Clara Street.

The environmental impacts and feasibility of this alternative are discussed below.

Site E: This site is on the west side of North Fourth Street between Santa Clara Street and St. John Street. This property is across North Fourth Street from the proposed parking structure site and is presently occupied by the Presbyterian Church and its parking, and a commercial structure.

The environmental impacts and feasibility of this alternative are discussed below.

Site F: Site F is on the south side of Santa Clara Street between South Sixth Street and South Seventh Street. The property is presently occupied by the Albertson's grocery store and other commercial buildings, and their associated parking.

At the time the alternative sites were being evaluated, discussions were occurring between the owner of Site F and the RDA about redevelopment of the property as a mixed use project (see also discussion on page 9 of the Redevelopment Plan Final EIR). Site F was therefore considered unavailable for redevelopment with a parking structure that would also, at that location, have been incompatible with the previously approved Redevelopment Plan. Site F was not then considered a feasible location for the parking structure. According to the RDA, redevelopment of Site F for a mixed use project remains under consideration for near term redevelopment, but no definite plans have been proposed. The feasibility and environmental impacts of locating the parking structure on Site F are therefore addressed in the following discussion.

Other possible locations for off-site parking to serve the City Hall/Municipal Services Complex considered during the search for alternative sites included:

Site G: This property is on the north side of Santa Clara Street between North Fourth and North Fifth Streets, immediately to the south of the proposed location.

Site G is discussed in the Final SEIR prepared for the Civic Plaza Parking Structure Project as a possible relocation site for the Fox Building. It was not evaluated as an alternative location for the parking structure because it was identified in the Redevelopment Plan and in the Final EIR prepared for the Redevelopment Plan as the site of a public performing arts center.

The environmental impacts and feasibility of this alternative are discussed below.

Site H: This site is on land that has been used as a public parking lot on the west side of South Third Street and the east side of South Second Street, midway between Santa Clara and San Fernando Streets (immediately adjacent to the Zanotto's Market building).

This site is within the Downtown Commercial National Register Historic District, which means that it must be designed to be consistent with the sensitive use the historic resources within this district represent. The currently proposed structure was not designed to fit into this National Register District.

Site H was tied up in the RDA negotiations with Palladium, and subsequently was under contract with a Disposition and Development Agreement between the Redevelopment Agency and the CIM group for construction of a mixed-use retail and residential project during the site selection process. The planned mixed-use project is now under construction. Development of Site H with a parking structure would not be consistent with the Redevelopment Plan that identified the site for mixed use; the property is not currently available for sale, and the reacquisition of this property for a parking

structure would be very expensive and time consuming. Losing the housing planned for this site would also be inconsistent with the Downtown Development Strategy. Site H is not discussed any further in this EIR.

Site I: This site is a parking lot on the south side of San Fernando Street between South Second and South Third Streets, and is also known as Block 3 in the San Antonio Plaza Redevelopment Project Area. Site I is currently the subject of a Disposition and Development Agreement (DDA) between the RDA and the CIM group for a mixed-use residential and retail project, and was the subject of an exclusive agreement to negotiate with Palladium during the site selection process. Development of a mixed use project on that site would be consistent with the Redevelopment Plan for the area and with the Downtown Strategy Plan. Development of a parking structure on this visually prominent property having three street frontages would not be consistent with the design guidelines in the Downtown Strategy Plan. This site could not be considered suitable for a parking structure, based on these inconsistencies.

A large parking structure was proposed on Site I in 1999, which included street level commercial space and some residential uses along Third Street. Residents in the neighboring block (east side of South Third Street) objected strongly that placing a large parking structure on that property would create significant land use and visual impacts overwhelming their residences. The RDA staff and City Council concurred. Placing the currently proposed parking structure on Site I would also result in significant visual and land use impacts on nearby residences.

This site is not discussed any further in this EIR.

Site J: Site J is the parking lot on the west side of South Second Street midway between Santa Clara and San Fernando Streets.<sup>17</sup> This location is also referred to as Fountain Alley. Site J is on the very edge of the distance considered to be a reasonable walking distance from the new City Hall/Municipal Services Building complex site. The property is owned by the Redevelopment Agency and there is an agreement between the Agency and the operator of the parking facility for exclusive rights to develop the property. Discussions are currently under way between the parties to develop a mixed-use residential and retail project.

For the City or RDA to acquire the development rights from the person who currently holds those rights would require negotiation and is likely to be expensive and most likely litigious, in light of the history between the parties. Furthermore, the Agency would not be able to acquire the parking facility operator's interest in this property since a California Court of Appeal has ruled that the Agency cannot use its powers of eminent domain to acquire such interests.

Site J is within the Downtown Commercial National Register Historic District, which means that it must be designed to be consistent with the sensitive use the historic resources within this district represent. The currently proposed structure was not designed to fit into this National Register District.

---

<sup>17</sup>The property on the west side of Second Street is on the edge of the five minute walking distance radius, but would be more than five minutes walk from most of the City Hall structure currently under construction.

Site J is parallel to its Second Street frontage, which is a Transit Mall along which the light rail transit (LRT) line and multiple bus routes run. Using this property for a parking structure would be inconsistent with the Downtown Design Guidelines, which recommend parking structures at mid-block locations and with the shorter dimension adjacent to the street. Placing a parking structure on the Transit Mall is wholly inconsistent with the purpose of the Transit Mall (to encourage use of transit instead of the automobile), and would be incompatible with the General Plan designation of the Transit Mall, to encourage alternatives to automobile use.

This location for a parking structure would not be environmentally superior to the proposed site, given its conflict with the purpose and designation of the Transit Mall and its lack of conformance with the Downtown Design Guidelines. This would also not be a suitable site for a parking structure, based on these inconsistencies.

This site is not discussed any further in this EIR.

As described for each site individually above, Sites H-J above are not feasible or suitable locations for the Civic Plaza Parking, because they are now and were at the time of the preparation of the parking structure FSEIR legally committed to other purposes, and because placing the parking structure on these properties would also result in other environmental impacts. Site G is, however, evaluated below as an alternative site.

Possible additional locations within the five-minute walking radius include some sites that were not fully consistent with the general criteria discussed above and shown on Figure 8, but which might have some suitable characteristics which brought them to the attention of City and RDA staff. These sites were identified:

Site K: This site is on the north side of St. John Street between North Third and North Fourth Streets. The site area is approximately 1.2 acres with 189 feet of frontage along Second and Third Streets and 276 feet of frontage along S. John Street. The substantial street frontage would require that the parking structure include ground floor commercial on all three street frontages. That, plus the need to step back the upper parking levels (consistent with the Downtown Strategy Plan design guidelines) would severely restrict the amount of parking on both the street and upper levels; the parking structure would, therefore, need to be at least one level below grade and eight levels above grade (compared to one below and seven above for the current proposal), making the building both taller and more expensive than the currently proposed parking structure.

The property is now occupied by two single-story commercial buildings and their associated parking. The site is north of St. John Street, which is inconsistent with one of the site selection criteria (that it not be north of St. John Street), but it is on the edge of the residential neighborhood and might not create a deeply divisive barrier within the neighborhood. The site is, however, also adjacent to St. James Park and is actually partly within the boundary of the City Landmark and National Register St. James National Register Historic District. The City's General Plan designates part of this site as historically sensitive, and the entire site is designated as *Residential Support for the Core Area (25+ DU/AC)*.

Development of another parking structure immediately adjacent to and/or within the St. James Historic District (there is an existing large parking structure on the southwest corner of St. John and South Third Streets) could have a cumulatively significant impact on the integrity of the City Landmark and National Register Historic District. The site overlaps the five-minute walking distance limit line, and is north of St. John Street, which conflicts with the site selection criteria identified above. Given the proximity of this site to a sensitive land use (the historic district), its location north of St. John Street, and its marginal qualification under the five-minute criterion, this site is considered unsuitable for the parking structure and is not discussed further in this EIR. In addition, the site is currently infeasible and unsuitable for a parking structure that would serve the City Hall/Municipal Services Building complex because of its General Plan designation.

This site is not discussed further in this EIR.

Site L: Site L is on the northeast corner of North Fourth Street and St. John Street. The property is approximately 0.77 acres, with approximately 240 feet of frontage on North Third Street and approximately 140 feet of frontage on St. John. The property contains single-story commercial structures and associated parking. There are also commercial structures and commercial parking across North Fourth Street from this site, but there are residences immediately adjacent to the north and northeast, and residential buildings on the south side of St. John opposite the site (including the historic Donner House). This site would, therefore, create an intrusion into the residential neighborhood. The property is designated in the General Plan as *Residential Support for the Core Area (25+ DU/AC)*.

The corner location would require non-parking uses at street level on both frontages. The size of the site is likely to require that the ground floor level be used for retail, ramps, and entryways, with little or no parking. Yield, given the floor plate size, would be approximately 90 stalls per level. If the same height structure is built as is proposed, this would produce 630 stalls (slightly more than half of what is required). Using this site would therefore require a very tall structure or acquisition and development of two sites for parking. Either option would be more expensive than the currently proposed project. A much taller structure would also have greater shade, shadow, and visual impacts than the currently proposed building.

Because this site would encroach into the residential neighborhood north of St. John Street, which is inconsistent with the site selection criteria described above, it was not considered suitable for the parking structure. This site is also currently infeasible and unsuitable for use as a parking structure because of its General Plan designation.

Site M: This property is on the northwest corner of North Third and Santa Clara Streets. This property is occupied by two small commercial structures, including the Mission Ale House, that were recently rehabilitated with RDA assistance. The site is designated *Core Area* in the General Plan Land Use/Transportation Diagram. This land use designation does not preclude its use for a parking structure if ground level commercial/retail uses are included.

This site is less than one-half acre in area (approximately 125 feet by 150 feet), which makes it much too small for the entire parking structure. In order to achieve consistency with the City's *Greater Downtown San José Strategy for Development*, the parking structure is supposed to have its



narrower dimension adjacent to the street, to be as low as possible adjacent to the street, and to be enclosed at street level by built space for non-parking uses. These requirements are explicit in the policies in the Downtown Development Strategy that also strongly discourage ground floor parking and parking entrances on Santa Clara Street and are intended to “ensure that Santa Clara Street becomes an active bustling, urban, transit boulevard by focusing development with active ground floor uses towards the street.” The use of a corner lot would orient the building’s longer dimension to one public street. The need to place non-parking uses at street level along both streets and to step down the facade toward the street, to conform to the Downtown Design Guidelines, would reduce the amount of parking in the structure, making this site even less efficient and less cost effective.

In order to have ground floor commercial on both street frontages and accommodate vehicle circulation, there is unlikely to be sufficient room for ramps going up and down. The site could hold only about 50 cars per level on other levels; for an eleven-level structure, that would mean 450 parking spaces. The cost of constructing a parking structure on this highly visible site would be proportionately very expensive, and would provide minimum yield.

This alternative site is not feasible, both because it would be disproportionately expensive to develop with a parking structure, and because achieving consistency with the Downtown Strategy Plan and the Downtown Design Guidelines would be difficult or impossible with a parking structure on this small corner site. If the structure did not conform to the Design Guidelines, it would have a significant aesthetic impact due to the visibility of the corner site.

This site is not discussed further in this EIR.

Site N: This is property is on the north side of Santa Clara Street between North Seventh and North Eighth Streets. The property currently contains two commercial structures and associated parking. While both existing buildings have been substantially altered, they are identified on the City’s Historic Resources Inventory as “Structures of Merit”.<sup>18</sup> Placing the parking structure at this location would require demolition of those structures. This site is directly across North Seventh Street from Horace Mann School, and borders residential uses to the north. This site has the same shortcoming as the originally proposed site on North Sixth Street, in that it is immediately adjacent to the elementary school. Unlike the North Sixth Street site, however, Site N would be directly adjacent to the main school entrance for children, and would probably have significant impacts from circulation and pedestrian conflicts with school children; this means that the location is not environmentally superior to the currently proposed project and makes the site inconsistent with the site selection criterion that the parking structure not be next to sensitive land uses. An additional sensitive land use is St. Patrick’s to the east, which includes a parochial school. This parking structure site is literally surrounded by school children arriving in the morning rush hour.

The site is east of Seventh Street – which is also inconsistent with the alternative site criterion described above and intended to avoid encroachment into nearby residential neighborhoods

---

<sup>18</sup>“Structure of Merit” means that the building still possesses some of the characteristics of the period in which it was built, but either has been significantly altered or for other reasons does not qualify as an historic landmark under the City’s historic criteria. The structure is also not eligible for either the California or the National Registers.

This site is designated *General Commercial* and *Transit Oriented Development Corridor* by the City's General Plan with a *Neighborhood Business District* overlay. While parking structures are generally compatible with the commercial designations, the City's General Plan "strongly discourages" development types and patterns that do not encourage transit use on properties within the *Transit Oriented Development Corridor*. A major parking structure directly adjacent to a transit corridor would not promote transit use, and could actively interfere with transit use by creating conflicts between automobile movements and pedestrian activity. Placing the parking structure here would not be consistent with the City's adopted General Plan.

Access to a parking structure on Site N would require that either the longer dimension of the structure be adjacent to Santa Clara Street (which is inconsistent with the adopted Downtown Strategy Plan), or would require that the structure be oriented in a north/south direction, encroaching into the adjacent residential neighborhood and involving removal of some of the houses. If access to a parking structure on Site N was from North Seventh Street, it would create conflicts with access to the elementary school; if access was from North Eight Street, it would introduce traffic into the residential neighborhood; if access was from Santa Clara Street, it would be inconsistent with the Downtown Development Strategy.

This site does not qualify under the site selection criteria discussed above, and has significant conflicts with both the school and the Downtown Development Strategy. This site is not a feasible location for the parking structure, and is not discussed further in this EIR.

Site Q: This property is on the south side of Santa Clara Street between South Seventh and South Eighth Streets. The site contains a number of small commercial structures and associated parking. There is a residential neighborhood immediately adjacent to the south and southeast. Like Site N, this property is designated *General Commercial* and *Transit Oriented Development Corridor* by the City's General Plan with a *Neighborhood Business District* overlay. As was also the case for Site N, while parking structures are generally compatible with the commercial designations, the City's General Plan "strongly discourages" development types and patterns that do not encourage transit use on properties within the *Transit Oriented Development Corridor*. A major parking structure directly adjacent to a transit corridor would not promote transit use, and could actively interfere with transit use by creating conflicts between automobile movements and pedestrian activity. Placing the parking structure here would not be consistent with the City's adopted General Plan.

This property is east of Seventh Street, so it does not meet the site selection criterion identified above for avoiding encroachment into adjacent residential neighborhoods. This site would place the parking structure immediately adjacent to an established residential neighborhood, and would require that either the longer dimension of the structure be adjacent to Santa Clara Street or that the structure penetrate deeper into the residential neighborhood. These features mean that the site would experience the same difficulty in meeting the Downtown Development Strategy as Site N. While not as close to Horace Mann School as Site N, it would have similar inconsistencies with the site selection criteria and the Downtown Development Strategy (either requiring access from Santa Clara Street or access through the residential neighborhood), and placing the parking structure along the planned transit corridor would be inconsistent with the City's General Plan for this property as for Site N. This site is not a feasible or suitable location for the parking structure, and is not discussed further in this EIR.

As described above, Sites K through O were and are considered ineligible because the sites are too close to sensitive land uses (Horace Mann School, St. James Park, a National Register District), individual features could result in significant environmental impacts, a parking structure on the sites would be inconsistent with the General and/or the Downtown Strategy Plans, and/or the parking structure would encroach into established residential neighborhoods. These same features also conflict with the site selection criteria identified above.

### **Relocating the Fox Building**

Under the heading of “Mitigation Measures Not Presently Included as Part of the Project”, the Final SEIR for the Civic Plaza Parking Structure Project discusses the option of relocating the historic Fox Building onto property immediately south of its existing location in order to avoid the need for its demolition. The relocation of the building is discussed below as an alternative. Some additional clarification is also provided as to why that alternative was not proposed previously and why it is not proposed now.

#### **A. NO PROJECT ALTERNATIVE**

The CEQA Guidelines advise that the “No Project” conditions are not a baseline for determining the significance of the project’s impacts, the purpose of having this section is to “allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project”. [§15126.6(e)(1)] The no project analysis is directed to discuss the existing conditions at the time the notice of preparation is published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, “based on current plans and consistent with available infrastructure and community services”. [§15126.6(e)(2)] The Guidelines state that the discussion will usually proceed along one of two lines, depending on whether the project is a “plan, policy or ongoing operation”, or if it is something else such as a development project on identifiable property.

The No Project conditions for this project do not fit neatly into the criteria identified in the CEQA Guidelines. While the proposed parking structure is a development project that is consistent with the discussion in Guidelines §15126.6(e)(3)(B), the structure is functionally linked to another development that is well underway. The No Project conditions will not, therefore, be the conditions that existed when the Notice of Preparation for the Civic Plaza Parking Structure Project EIR was published because those conditions have already ceased to exist because the City Hall/Municipal Services Building complex which the parking structure is intended to serve is already well under construction. It is necessary, therefore, to identify what “would be reasonably expected to occur in the foreseeable future” if the proposed project is not approved. Two possibilities include: (1) no parking structure for the City Hall/Municipal Services Building complex, and (2) construction of the previously approved parking structure on North Sixth Street. Each of those scenarios is discussed below.

## **1. No Parking Structure/No Project Alternative**

For this alternative scenario it is assumed that the City of San José would not build a new parking structure to serve the City Hall/Municipal Services Building complex. This would not preclude the future construction at an unknown location of a parking structure to serve the performing arts center planned for the north side of East Santa Clara Street, but that parking structure would not be of sufficient size to also serve the City Hall uses on the south side of East Santa Clara Street.

Since the City Hall building has 400 spaces on-site which are intended to serve visitors and designated staff such as the mayor, councilmembers, and some senior staff, most of the employees at City Hall will have to park elsewhere. The 1,128 to 1,250 parking spaces planned for the proposed structure are considered the number necessary to serve the City employees that will be moving into the City Hall/Municipal Services Building complex during the late spring and summer of 2005. The absence of the proposed parking structure at that time would create an immediate shortfall of approximately 1,100 spaces downtown.

As described in the Project Description section of this DRSEIR, the City is developing an interim parking program to serve City Hall during the months after the new buildings are occupied and until the new parking structure is completed. It might be possible to extend some elements of this temporary arrangement and/or to make some of the parking permanently available to City Hall. Some of the parking spaces that would be utilized during this interim period are available only because of the economic conditions that have resulted in higher than normal vacancy rates downtown. As soon as the economy appears to indicate improvement, pressure will increase on the City to release those spaces.

The absence of parking to serve the City Hall/Municipal Services Building complex will create some near term problems for downtown businesses and residents as soon as City Hall moves in. The absence of readily available parking has been identified as a problem downtown in the past, causing the City to make free parking available in some lots, and more free parking available on weekends and in the evenings. Those pre-existing problems are likely to result in some overflow parking into the nearby residential neighborhoods as the parking shortage extends over time and people become familiar with the area. Additional difficulties are likely to include reduced revenue for downtown businesses, higher vacancy rates for new downtown housing developments, and increased absenteeism among City employees.

### **Comparison of Environmental Impacts**

While the effects described above would be undesirable for neighboring businesses and downtown residents, they are not necessarily significant environmental impacts. Overflow parking can be an inconvenience and can cause economic effects, but the impacts of overflow parking are not effects on the physical environment unless illegally parked vehicles impede emergency access or create hazards for pedestrians. Overflow parking in a neighborhood could also, under some circumstances, become so severe that the residential character of an area is compromised. The latter would not occur in this circumstance due to the presence of neighborhood parking programs that restrict parked vehicles in the neighborhoods that surround this area.

It should be noted that conformance with parking standards in the City's Zoning Ordinance or adopted design guidelines is the threshold typically used in judging whether or not a significant environmental impact might result from inadequate parking.<sup>19</sup> Should the proposed parking structure not be built, the City Hall/Municipal Services Building complex would not conform to the parking standard required of new private development downtown (generally 2.8 spaces per 1,000 square feet of floor area).

Interference with a future economic recovery or the general level of business activity and prosperity downtown may not be consistent with other City goals and policies, but it is not an environmental impact.

### **Feasibility of the Alternative**

This would be the simplest alternative, because it does not require that the City do anything. It does not conform to the previously approved Redevelopment Plan for the area, and is not consistent with the commitments made by the City Council when the decision was made to approve the relocation of City Hall downtown. This alternative is also not consistent with the development standards required of private development in the downtown.

The goals of the adopted Redevelopment Plan for this area includes goals to “eliminate blight in the Redevelopment Plan area”, “stimulate revitalization and new commercial expansion”, “replan, redesign, and redevelop underdeveloped areas that are economically stagnant, physically constrained, and or underutilized”, “attract additional private investment and employment in the Redevelopment Plan area and adjoining areas”. Introducing a large new employer into this location between San José State University, the Downtown Core Area, and established residential neighborhoods without also providing parking would not be consistent with these goals.

To the extent that this alternative would adversely effect the economic vitality of downtown businesses and could create a negative effect on nearby residences, this alternative is not consistent with the City's identified goals for the Downtown Core Area as reflected in the General Plan and the Downtown Development Strategy.

### **Conclusion**

This alternative would not result in significant environmental impacts, but it is not consistent with the City's identified goals and objectives for the Civic Plaza Redevelopment Plan, or with the City's identified goals and objectives for the Downtown Core Area as identified in the General Plan and the Downtown Development Strategy.

---

<sup>19</sup>The threshold of significance is whether or not the project might “result in inadequate parking capacity”, listed as item XV(f) in Appendix G of the CEQA Guidelines.

## **2. Sixth Street Parking Structure/No Project Alternative**

As discussed in the previous section, not providing parking for the City Hall/Municipal Services Building complex would be inconsistent with previously approved plans for the Redevelopment Area, and with commitments made by the City Council when the decision was made to relocate City Hall. If the parking structure is not built at the currently proposed location, it is likely that it will be built elsewhere. A possible – and credible – default location is the previously approved site on North Sixth Street.

This No Project Alternative would consist of leaving the currently proposed project site in its present condition. Under the No Project Alternative, the Fox Building and the EHC residential apartment building, located at 39 North Fifth Street, would remain. (As mentioned previously, the EHC is using the apartment building at 39 North Fifth Street on a temporary basis. This building is slated for demolition in May 2004.) Under the No Project Alternative, the Civic Plaza parking structure would be built on North Sixth Street, as discussed in the original 1999 FEIR.

This alternative would involve construction of a parking structure on the west side of North Sixth Street, on property that is presently occupied by two dwelling units, two surface parking lots, and a two level parking structure attached to Vintage Tower, a residential building. The existing parking structure is also used by the First United Methodist Church on North Fifth Street.

In order to modify the previously approved Sixth Street parking structure to meet the current need for off-site spaces, the parking structure would need to add three to four additional levels for the 333 to 455 additional spaces needed to serve the City Hall/Municipal Services Building complex. The long dimension of this parking structure is parallel to North Sixth Street. If a decision is made to step the upper levels back from the street, at least one more level could be needed, to make this structure 13 to 14 levels or 120 feet high.

### **Comparison of Environmental Impacts**

The Sixth Street Parking Structure/No Project Alternative would avoid the significant shade/shadow impacts and historic resource impacts of the currently proposed parking structure project on North Fourth Street. This No Project Alternative would also avoid the currently proposed project's significant unavoidable temporary noise impacts from construction. The originally proposed Sixth Street parking structure would have had significant shade/shadow impacts of its own, however, and this substantially increased version of that structure would have even greater shade and shadow impacts on a greater number of residential properties and on the playground at Horace Mann School. The visual impacts of this much larger structure would also be greater. This alternative would also have significant temporary construction impacts. With the larger school nearby and the changed school layout, the construction of this larger parking structure is apt to result in greater construction impacts than were assumed previously.

In addition, the existing setting conditions have changed since the 1999 FEIR for the Redevelopment Project was prepared. Horace Mann School has been completely rebuilt, changing the configuration on the site and expanding the capacity from 350 students to 750. In 1999, the school did not have access on North Sixth Street, and the school's frontage on Sixth Street was fenced. An access point

has been added on North Sixth Street, opposite the previously proposed parking structure site. A substantial number of children are now dropped off along the school's Sixth Street frontage. With the change in environmental conditions represented by the school reconstruction and the increased size of the off-site parking structure, implementation of the No Project Alternative might require preparation of a supplemental or subsequent EIR under the requirements of Guidelines §§15162 and 15163.

This alternative is not environmentally superior to the proposed project due to its proximity to a sensitive use; if the larger parking structure is built at this location, it may have substantially increased impacts beyond those analyzed in the 1999 EIR.

### **Feasibility of the Alternative**

The previously proposed parking structure on North Sixth Street does not meet the objectives of the project in that it does not have sufficient parking to serve the new City Hall/Municipal Services Building Complex. To serve the needs of the City Hall/Municipal Services Building Complex that is now under construction, the parking structure previously proposed on North Sixth Street would need to be expanded to add between 333 and 445 more parking spaces. This would require that the structure either be three to four levels taller (further exacerbating its already significant shade and shadow impacts), or that it have one or two of those levels below ground. It is unlikely that putting all of the additional levels below grade would be economically feasible. The amount of parking provided on the City Hall/Municipal Services Building complex site was reduced because the soil conditions in this area increases the cost of building below grade parking to approximately three times (or more) the cost of above-grade parking spaces.

Since the decision was made in 2001 to not pursue the parking structure on North Sixth Street, the RDA has sold this property to the First United Methodist Church, who is planning a different development scenario on the property. To pursue this alternative now would require either: (1) that the Methodist Church agree to sell the property back, or (2) that an action for eminent domain would need to occur. Either scenario would significantly delay construction of the parking structure. If the property is purchased from the Methodist Church, there would be negotiations required, particularly since the Church already has permits to construct on the property. As described earlier, an action for eminent domain typically requires substantially more time than purchase from a willing seller. The delays that would be involved in redesign of the parking structure for another property, and the length of time necessary to acquire this property, would substantially delay the availability of parking by as much as 18 months after the new City Hall is occupied.

This Sixth Street Parking Structure/No Project alternative may not be feasible because of the need to re-acquire the property and, due to its location next to the reconstructed school, this alternative would not be environmentally superior to the proposed project.

## **Conclusion**

The Sixth Street Parking Structure/No Project Alternative would not be environmentally superior to the proposed project. Although it would not require removal of the Fox Building, it would likely have significant impacts on the operation of the expanded Horace Mann School, particularly circulation impacts effecting school children and other pedestrians. The Sixth Street Parking Structure would also have significant shade and shadow impacts and might have greater construction impacts than those from the currently proposed parking structure due to its proximity to the expanded school. In addition, either this alternative would not meet the basic project objective of providing between 1,128 and 1,250 parking spaces within the Civic Plaza Redevelopment Plan area, or if it is redesigned to contain more parking spaces, it would have even greater shade and shadow impacts. This alternative would not be consistent with the project objectives because it would not provide any parking for as long as 18 months after the opening of the new City Hall building.

Because of the factors described above, including the fact that the site is no longer owned by the RDA, this alternative may no longer be feasible.

## **B. RELOCATION OF THE FOX BUILDING**

In order to avoid or to reduce the project's significant impact on the historic Fox Building, the Fox Building could be relocated to another site, such as north of its existing location or onto the southern portion of the same block on which it is presently located, in order to preserve the building. For this alternative, the proposed parking structure would either remain at its presently proposed location (if the Fox Building is moved to the south, or would be moved farther south (if the Fox Building is moved to the north). The relocation sites discussed below include provision for enough on-site parking for the Fox Building to support a commercial use.

Figure 9 and 10 illustrate the relative relationships between the relocated Fox Building and the proposed parking structure. The North Relocation Alternative includes a 35-foot separation (allowing openings in both the Fox Building and garage walls), and includes 35 to 40 parking stalls on the Fox Building site. The South Relocation Alternative includes a ten-foot setback which would allow natural ventilation openings for the garage; there are no openings on the north side of the Fox Building, so no greater setback is provided. The property allocated for the South Relocation Alternative is similar to the site occupied by the building now; an alternative configuration would also be possible. There is sufficient area for up to 35 parking spaces on the Fox Building site with this alternative.

Although moving the Fox Building from its historic site would compromise its integrity of location, the relocation would not significantly detract from the building's integrity of setting and association if the proposed new location is nearby and if the building would still have an orientation, setting, and general environment that are comparable to those of its historic location. There are approximately 1.42 acres (224 feet by 276 feet) south of the proposed parking structure location that are presently owned by the RDA.



The overall objectives for the relocation and preservation plan evaluated in the Historic Resource Assessment in Appendix B of the FSEIR prepared for the Civic Plaza Parking Structure Project included the following:

1. Retain and preserve the character-defining features that remain, wherever possible
2. Replace in-kind all deteriorated or otherwise unusable character-defining features where necessary.
3. Restore or reconstruct what is missing and document it.
4. Design and install new elements that are distinct, but compatible with, the original design where elements are missing and undocumented or where new elements are needed for a new use.
5. Remove non-essential, non-original materials as desired to achieve the project goals outlined in the architectural program.

The relocation and preservation would also need to specifically include the following elements (the numbers in parentheses correspond to the objectives listed above):

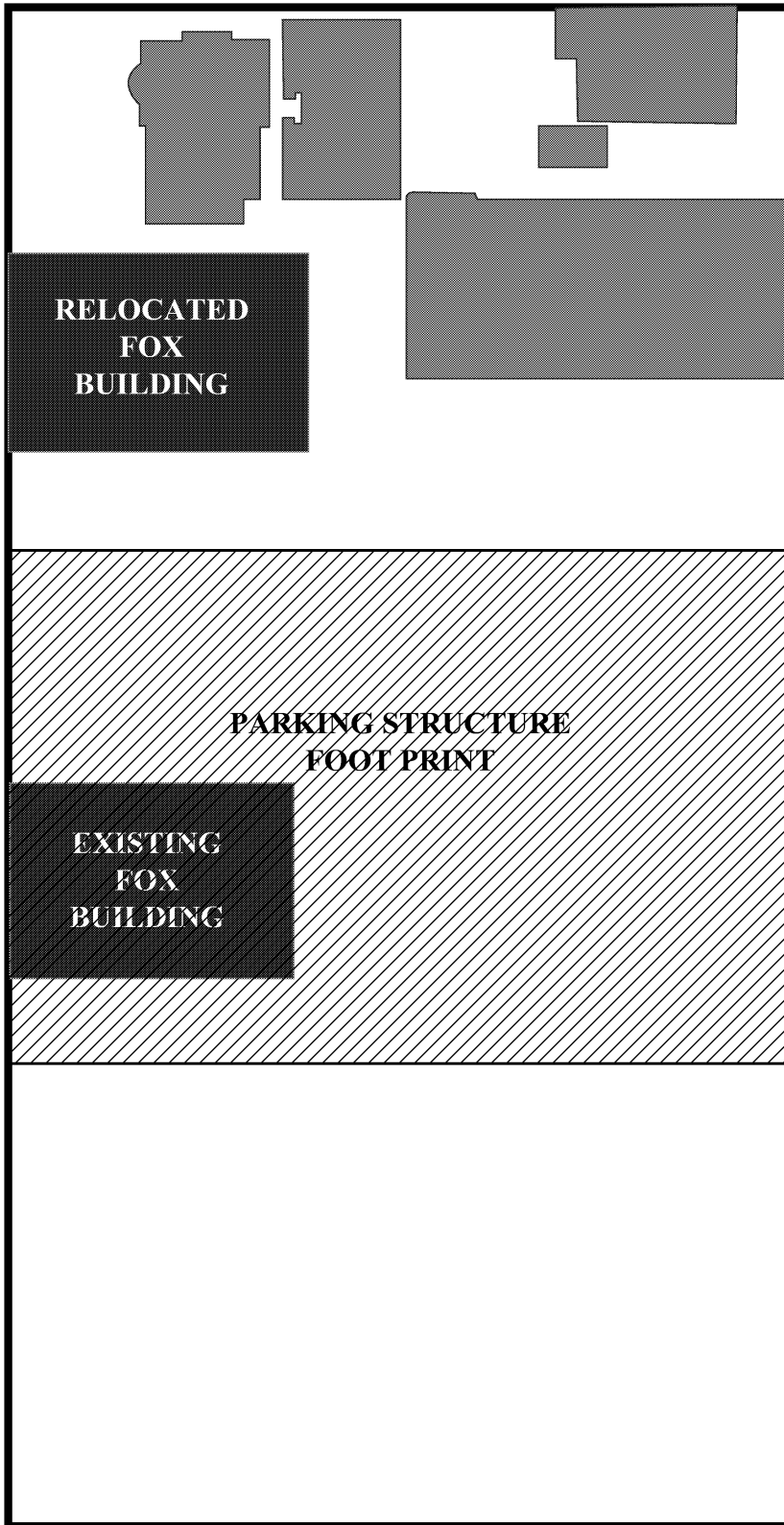
- Determine use or use parameters that will meet the Secretary of the Interior's Standards. (1)
- Demolish the existing non-historic additions at the rear of the building. (5)
- Demolish interior non-original finishes throughout for relocation, structural upgrades and preparation for tenant improvements (5). If original finishes are uncovered (e.g., at ceilings or walls), then they should be documented, evaluated and possibly retained and restored, or alternately they could be replaced in kind. Inspect for evidence of original partition walls. (1,2)
- Relocate the building, maintaining as much of the building intact as possible. (1)
- Maintain the cardinal orientation of the building on the site if possible. (1)
- Maintain the distance of the building to the sidewalk and street. (1) Maintain egress and separation along east and south sides of building.
- Maintain the relationship of grade to slab floor (i.e. do not raise or lower height of building) (1)
- Maintain the simple rectangular floor plan, do not append additions, expand the overall form of the footprint, or demolish portions of the building. (1)
- Stabilize the structure as per the engineering seismic retrofit design. (4) Limit the interior plywood to required locations so that future tenant improvements can have as open a plan as possible.
- Design project to allow the final concrete slab to be poured as part of tenant improvements, as the design of the interior spaces will affect the need for service systems (MEP) within the slab (3).

EAST SAINT JOHN STREET

NORTH

FOURTH

STREET



NORTH

FIFTH

STREET

EAST SANTA CLARA STREET

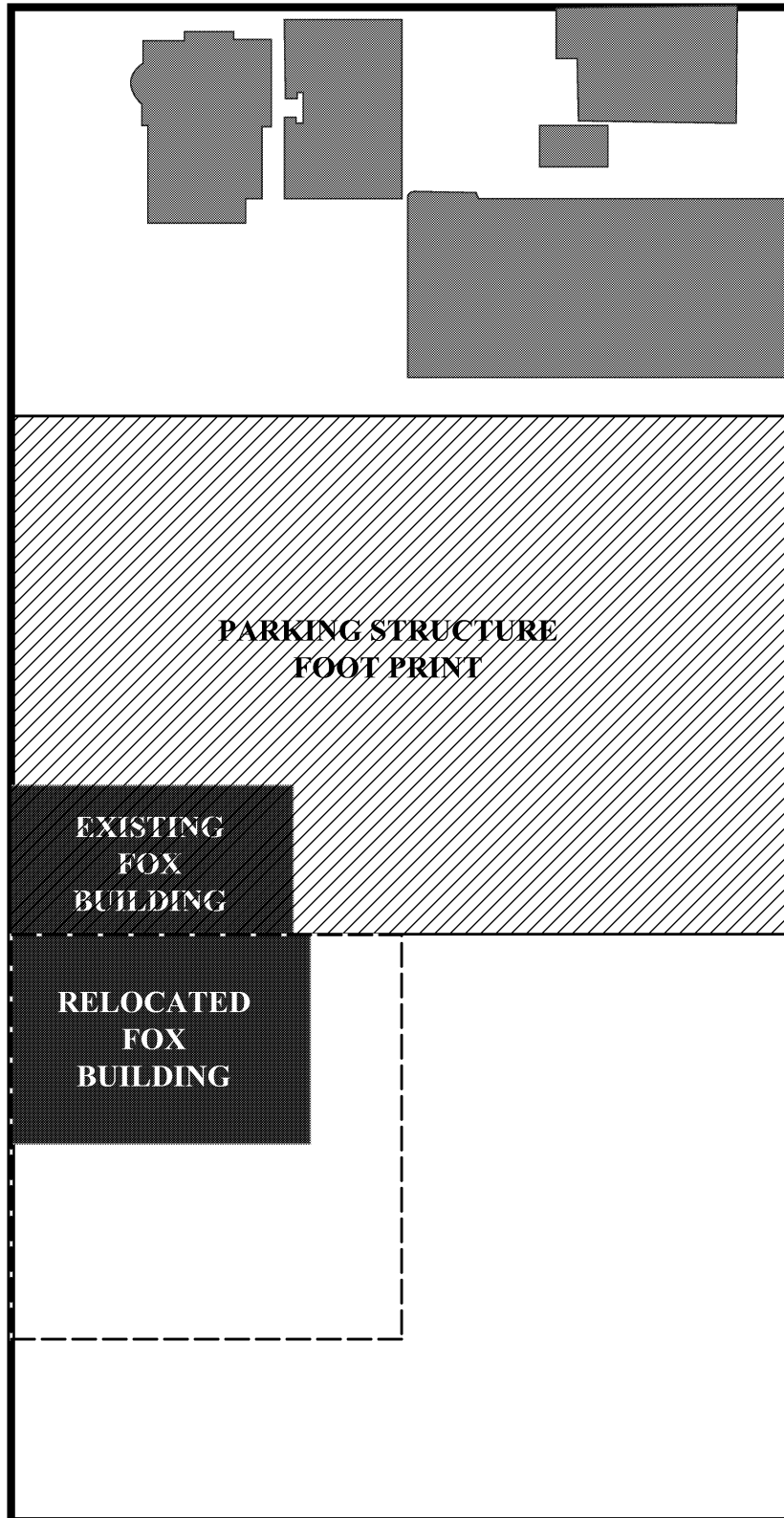
POTENTIAL FOX BUILDING RELOCATION (NORTH)

FIGURE 9

**EAST SAINT JOHN STREET**

**NORTH  
FOURTH  
STREET**

**NORTH  
FIFTH  
STREET**



**EAST SANTA CLARA STREET**

**POTENTIAL FOX BUILDING RELOCATION (SOUTH)**

**FIGURE 10**

- Repair or rebuild the rear ground floor wall. (1 or 3) Return the building envelope to its original texture as evidenced by the existing concrete on the upper floor of the rear of the building. (3)
- Restore, do not replace, any decaying window components on extant second-story windows, and maintain single-glazed sash. Paint the windows. (1)
- Reconstruct and install new window sash that match the missing original windows. (3)
- Restore original windows (extant within building in non-original locations) at clerestory. (3)
- Restore original openings along south side elevation. (3)
- Restore appearance of front doors at original center door opening, according to physical size and photographic evidence. (3)
- Design new replacement opening for the original center door opening B a large window could be appropriate, without excessive detailing. It should not represent any historical element, such as a storefront or garage door, but instead should recall the scale and utilitarian nature of the original purpose of the building and this particular opening. (4)
- Design building entrance(s) to be handicapped accessible. (4)
- Repair damaged roof flashing, parapet copings, roof drain collector boxes, and rainwater leaders. Coordinate with structural engineering requirements. (1,2,3,4)
- Replace existing roof covering with new roofing similar in form and texture B maintain clerestory roof form. (1,3,4)
- Restore skylights at original locations. Use contemporary design that is compatible with the scale and massing of the building. (4)
- Provide new basic site utility services (3). Assume distribution throughout building to be by future tenant.

The relocation of the Fox Building (in accordance with the measures above) from its historic location to a site either north or south of its existing location would preserve most of the historic significance of the building. The significance of this building is not specifically linked to the physical location of the building, but rather to the building's characteristics (architecture) and its historical association with the ongoing commerce during the late 1800s to the mid 1900s. In addition, the historic consultant evaluating the feasibility of relocating the building found that the rehabilitation of this building to its historic appearance, following the Secretary of the Interior's Standards, would be an improvement to the structure and would offset any affect caused by moving the building.

Both relocation sites are designated *Public-Quasi Public* and *Transit-Oriented Development Corridor* with a *Neighborhood Business District* overlay by the General Plan. Placing the structure at either of these two locations would not necessarily be inconsistent with the General Plan, depending on its future use.

## Comparison of Environmental Impacts

This alternative would avoid the demolition of the Fox Building. The north relocation site would place the Fox Building within five feet of the rear porch projection of the Donner Houghton House. The historic resource analysis included in Appendix B of the FSEIR of the parking structure identified the need to preserve approximately 40 feet near the rear of the Donner Houghton House to protect its historic integrity. That analysis, however, was contemplating the location of a seven-level parking structure near the Donner Houghton House. The Fox Building is also a concrete structure with a blank wall on the north facade, but it is more in keeping with this house than the parking structure in size, scale, and period. While this alternative would not be fully consistent with the historic integrity of the Donner Houghton House, whose historic site was identified as an open setting,<sup>20</sup> it would not appear to seriously compromise the structure given the urban context.<sup>21</sup> The significant historic impact of demolishing the Fox Building would be avoided with this alternative, as would most of the project's contribution to cumulative impacts on historic resources.

The parking structure's shade and shadow impacts on residential uses and private open space areas near the proposed site would remain significant if the Fox Building is relocated to the south and may still be significant if the Fox Building is relocated to the north and the parking structure is built farther south. The visual and aesthetic impacts due to the size of the proposed building relative to its surroundings would also remain significant. Short term noise impacts from project construction at this location would still be significant.

This alternative would be environmentally superior to the proposed project.

## Feasibility of the Alternative

The North Relocation site alternative reduces the area left for the performing arts center site to approximately 1.1 acres, with a the dimensions of 173 feet by 275 feet along Santa Clara Street. The South Relocation site creates an irregularly shaped property with 154 feet of frontage on North Fourth Street and 223 feet on North Fifth Street. Either of the remaining pieces of property would be too small for a performing arts theater. The minimum dimension left by the North Relocation site (173 feet) is too narrow to accommodate the type of structure that is planned. The irregular shape created in the remainder property to accommodate the South Relocation site would severely limit the possible use of the remaining property for a performing arts center, and would probably preclude creation of a large performance space. Should the property on Santa Clara Street not be used as a performing arts center, the site is likely to be made available as a development site. The property that would remain under the relocation alternatives may not be sufficient to accommodate a significant commercial development that would be required to be consistent aesthetically with the new City Hall/Municipal Service Building complex directly across Santa Clara Street.

---

<sup>20</sup> *Historic Resource Assessment* prepared by Dill Design Group dated March 28, 2003; Appendix B of the FSEIR.

<sup>21</sup> Courtney Damkroger, Historic Preservation Officer, City of San José; April 15, 2004.

During the site selection process, preliminary cost estimates for relocating the Fox Building were prepared that indicated that the alternative would add substantially to the cost of the parking structure.<sup>22</sup> The cost estimates prepared at that time did not include some elements that would have to be covered, including design and engineering, structural upgrades to make the building suitable for sale or reuse, and land costs if the building were not relocated to property already owned by the City or the RDA. Refinements made to the cost estimates have resulted in estimates that relocating the Fox Building would add between \$5.1 million and \$6.8 million to the project costs.<sup>23</sup> This money has not been budgeted, and no source of funds to pay the costs of relocation have been identified, although some of the upgrades might be paid for by a future user/purchaser.

In addition to the cost of relocation is the factor of time. The effort to relocate an historic concrete structure of this size would require a substantial investment of time, to find and prepare a receiving site for the structure, to prepare the building for moving, and to find a contractor to accomplish the move. The only basis of comparison for moving a large concrete structure is the Montgomery Hotel, which took 18 months to move, including the time to prepare the structure and award a contract to an experienced contractor, after the City Council took formal action to approve its relocation.

If the City had made a decision to move the Fox Building during the same time frame that the decision was reached to demolish the building (*i.e.*, after completion of the Civic Plaza Parking Structure Project SEIR), the parking structure could not have been completed in time to provide parking for the opening of the City Hall/Municipal Services Building Complex. This would have been inconsistent with the fundamental purpose of the project, to provide parking for the buildings now under construction. Under the current circumstances, which will require that construction will begin on the parking structure at a later date than was anticipated during the previous EIR process, the delay relative to the opening of the City Hall/Municipal Services Building Complex would be even greater.

This alternative would not be consistent with the approved Redevelopment Plan if the Fox Building were to be moved to the site designated for a public performing arts center and cause the remaining property to be too small to be suitable for a performing arts center or for another commercial development project. The delay that would be required to move the Fox Building would not be consistent with the basic project objective of providing parking for the City Hall/Municipal Service Building Complex. Moving the Fox Building to another site, whether adjacent to the proposed site or elsewhere, would add substantially to the cost of the project. No source has been identified for the additional money that would be necessary to implement this alternative.

This alternative was not selected because it was found to not be feasible for the reasons stated above.

---

<sup>22</sup>These preliminary cost estimates were included in Appendix B of the FSIR.

<sup>23</sup>A summary of the cost estimate prepared at the direction of the City's Public Works Department is attached to this DSEIR as Appendix A.

## **Conclusion**

This alternative, relocating the Fox Building to a nearby location, would be environmentally superior to the proposed project because it does not include demolition of the historic structure. The alternative is not proposed because relocation was found to be infeasible. Relocating the building would substantially increase the costs of the project. In addition, relocating the Fox Building either south or north of its existing location and the currently proposed parking structure site, would likely make the remaining property adjacent to Santa Clara Street unsuitable for its planned use as a performing arts center. Precluding the use of the southerly site as a public performing arts center would be inconsistent with the Redevelopment Plan. Finding and purchasing another location for the Fox Building, if one could be found, would further increase costs and would introduce new and additional significant delays into the project implementation. The time required to move the Fox Building would be inconsistent with providing parking for the City Hall/Municipal Services Building complex in a timely fashion.

## C. ALTERNATIVE SITES

### 1. Site C - Disciples of Christ Church

This site is located immediately south of the City Hall/Municipal Services Building, on South Fifth Street. The site that was evaluated was approximately two-thirds of an acre (122 feet by 235 feet) and presently contains the Disciples of Christ Church, the church parking lot, and a single family house. Although the site is much smaller than the previously proposed parking structure site, the property was considered as an alternative site because it is immediately adjacent to the City Hall/Municipal Services Building complex and would be an optimum location for employee parking. The residential buildings along South Sixth Street to the east include historic resources, as do the properties to the south along San Fernando Street, precluding the inclusion of those properties into this site. This property is designated *Medium High Density Residential (12-25 DUs/AC)* in the General Plan.

Restricting the parking structure site to a mid-block location such as this site is consistent with the Design Guidelines of the Downtown Development Strategy, although this site would require that the longer dimension of the building be parallel to South Fifth Street, which is inconsistent with the Guidelines. If the structure is oriented east/west, with access from South Sixth Street, the Villa Saroni apartments would be eliminated; the apartment building was identified in the 1999 FEIR as an historic structure and potentially eligible for the California Register.

This site was considered a viable possible location for parking to serve the City Hall/Municipal Services Building complex because of its proximity to the building now under construction. A parking structure built at this location would also be immediately adjacent to a number of one-, two-, and three-story residential buildings on South Fifth, San Fernando, and South Sixth Streets. To maintain a consistency of scale, it was assumed that the structure would be limited to a total of four levels of parking, one below ground and three above. This would result in a building approximately 31 feet high. With ground-level commercial along the street frontage, the structure could accommodate up to 320 parking spaces. If the much larger structures across the street are taken into consideration as a measure of compatibility, the structure might be built taller. However, even with seven levels above grade, only about 640 spaces could be placed on this site. Ten levels could contain up to 880 spaces.

### **Comparison of Environmental Impacts**

This alternative would avoid all of the site-specific impacts associated with the proposed project, including the historic resource impacts and the cumulatively significant impact to historic resources resulting from demolition of the Fox Building, and the visual and aesthetic impacts of building such a large structure at the proposed location; it would also avoid the shade and shadow impacts on residential buildings and private open spaces adjacent to the North Fourth Street site. This alternative would, however, introduce new impacts into the area south of the City Hall/Municipal Services Building Complex site.



If the parking structure on this alternative site is assumed to be the same height as the currently proposed parking structure, it will result in significant shade and shadow impacts to the residences on South Sixth Street east of this alternative location. A very tall parking structure on this site would not have as significant visual impacts as the proposed site because it would not be as out-of-scale at this location as at the location on North Fourth Street. This alternative site is directly adjacent to the 285-foot tall City Hall/Municipal Services Building and it is across the street from Jeanne d'Arc Manor and John XXIII Center, both of which are massive four-story structures. The visual impacts associated with this alternative location might be less than significant.

As with the proposed project, implementation would require demolition of existing structures and excavation as well as construction of a substantial concrete structure. This alternative would cause significant temporary construction related noise impacts on the nearby residential units, including the elderly occupants of Jeanne d'Arc Manor.

With the development on the City Hall/Municipal Services Building Complex site, South Fifth Street has been closed to through traffic. The 1999 FEIR prepared for the Redevelopment Project showed the remaining street converted to a pedestrian-oriented, tree-lined cul-de-sac. The presence of Jeanne d'Arc Manor (a senior housing project) and John XXIII center (a senior-oriented social services facility) on the west side of South Fifth Street means that there are elderly pedestrians and drivers present in the area most of the time. This is in addition to the substantial pedestrian traffic generated along San Fernando Street by San José State University.

Adding significant vehicle traffic to the dead end street which South Fifth Street has become at this location would result in congestion that would conflict with the pedestrian movements in the area and with both pedestrian and vehicle traffic from San José State University.

City Public Works staff believes that if the parking structure has access only onto Fifth Street, the traffic would overwhelm the street and would warrant a signal at the South Fifth/San Fernando intersection. Queuing onto North Fifth Street would probably obstruct access to all other properties on that street. If access to Sixth Street is created for the parking structure, either the historic structures of the Villa Saroni Apartments would be impacted or removed, or other residential structures to the south of the apartments would be impacted or removed. Dividing traffic onto North Sixth Street would relieve some of the congestion and pressure on North Fifth Street, but that traffic is more likely to use the Tenth/Eleventh Street couplet to reach the freeway than the Third/Fourth Street couplet assumed in the traffic analysis. This change also increases the likelihood the traffic will penetrate the residential neighborhood as it moves toward Tenth and Eleventh Streets.

The Disciples of Christ Church building was found to not qualify as a significant historical structure in the 1999 FEIR prepared for the Redevelopment Plan (Appendix H, page 56). The adjacent house at 84 South Fifth Street is identified in the City's historic resources inventory as a Structure of Merit.

If the parking structure is built with its long dimension parallel to South Fifth Street, a very large structure would then dominate all of the residential buildings remaining to the east, along this stretch of South Sixth Street. Buildings on the west side of Fifth Street, although large and multi-story, would be dwarfed by a large parking structure on either side, the existing Fourth Street garage to the west (along South Fourth Street) and the proposed parking structure along South Fifth Street.

This alternative site would require as a minimum the demolition of an existing church and relocation of the congregation and the demolition of a residence and relocation of its residents.

### **Feasibility of the Alternative Site**

This site is not large enough to contain the full size parking structure (1,128 to 1,250 spaces); use of this site would require that two or more parking structure sites be obtained and developed. This is inconsistent with the project objectives in that it would significantly increase costs (as described above under "Multiple Sites"), and would take substantially longer to implement, particularly since it would require relocation of the church's congregation.

Placing the longer dimension of the parking structure along the street frontage is inconsistent with the Design Guidelines of the Downtown Development Strategy. If the structure is stepped down toward the street frontage and includes ground floor commercial space, the site becomes incrementally even less efficient and more expensive on a square footage basis.

This location would not be consistent with the General Plan designation of *High Density Residential* (12 - 25 DUs/ac) on this site.

### **Conclusion:**

This alternative would not be environmentally superior to the proposed project. Placing the parking structure at this location would result in such significant congestion in the South Fifth Street cul-de-sac that another access point would have to be established. Taking access from South Sixth Street could require demolition of an historic structure and will introduce increased traffic and traffic congestion into the neighborhood to the east.

This alternative site may not be feasible for reasons which include the following:

- This alternative would probably take more time to implement since it would require relocation of the congregation and residents. The length of time will be further extended if the use of eminent domain is required.

- This alternative is not consistent with the project objectives in that it cannot accommodate the amount of parking required.
- To divide the parking structure into two locations, one of which is this site which would have a lower yield due to its unique circumstances, would cause the project to be substantially more expensive. No source of funds has been identified for this purpose.

## **2. Site D - South Fourth Street**

This site contains approximately three-quarters of an acre (115 feet by 276 feet), and is designated *Core Area* on the General Plan. This designation would allow the parking structure. The orientation of the property would also allow the parking structure to be built mid-block, with its shorter dimensions adjacent to the public streets, which is consistent with the Design Guidelines of the Downtown Development Strategy.

This is a very constrained site. It is presently used as private parking by the tenants of the adjacent Lipo Bank building. Since the Redevelopment Project was approved, apartments have been constructed on the rest of the block to the south. If the site is developed with a six-level two-bay (one level below-grade) structure with street-level commercial space on both frontages (which would be consistent in scale with the adjacent buildings), the maximum yield would be 520 parking spaces. If a 10-level structure is built on this site, it could hold 900 spaces.

### **Comparison of Environmental Impacts**

This alternative would avoid all of the site-specific impacts associated with the proposed project, including the historic resource impacts resulting from demolition of the Fox Building and the visual and aesthetic impacts of building such a large structure at the proposed location; it would also avoid the shade and shadow impacts on residential buildings and private open spaces and the cumulatively significant impact to historic resources. The location of a parking structure on this site would not be inconsistent with the General Plan, Downtown Strategy Plan, or the adjacent land uses. The site is, however, immediately adjacent to buildings that are part of the Downtown Commercial National Register Historic District. Additionally, the adjacent property to the south is residential. Both of these conditions constitute sensitive land uses.

The recently constructed five-story apartment structure has windows at the corners, on the ends of the building adjacent to both street frontages. A parking structure on this site would need to be built back from the street frontage to respect the interface with the apartments. The two story commercial buildings on Santa Clara Street that are part of the historic district utilize the parking on this site. To maintain the viability of these historic structures may require that replacement parking be provided in a structure placed at this location. Access to the rear of the adjacent commercial structures, including provision for deliveries and garbage

collection, would also have to be designed into the interface with those buildings. These constraints would probably reduce the total number of spaces that could be accommodated in a parking structure on this site.

Given the different size and scale of the historic buildings, a ten-level parking structure may not be compatible immediately adjacent to all of the buildings on the block face. The structure would probably be kept to a maximum of six levels to maintain compatibility with both the residential development and the historic district.

Placing parking on this site would be environmentally superior to the proposed project.

### **Feasibility of the Alternative**

This site is not large enough to contain the full size parking structure (1,128 to 1,250 spaces); use of this site would require that two (or more) parking structure sites be obtained and developed. Even making the parking structure of sufficient size to hold half the required parking spaces would result in a seven story building that is incompatible with the immediately adjacent structures and nearby land uses. Additionally, the parking structure would probably have to provide parking and access for the adjacent commercial structures in order to avoid adverse impacts to the historic district. Given that the property owner recently made improvements to the property, this is probably not a willing seller. To acquire the property may, therefore, require the use of eminent domain, or lengthy negotiations.

This alternative site is inconsistent with the project objectives in that it would take substantially longer to implement so that the parking would not be available for a substantial period of time after the City Hall/Municipal Services Building is completed. Since this alternative would require multiple sites to supply sufficient parking, and since the efficiency or yield for this structure would be lower than for other building alternatives (because of the need to supply parking and access to the adjacent property), this alternative also makes the project substantially more expensive.

### **Conclusion:**

This alternative would be environmentally superior to the proposed project, but could still result in impacts to historic resources.

This alternative site may not be feasible for reasons which include the following:

- This alternative would probably take more time to implement, particularly if the use of eminent domain is required.
- This alternative is not consistent with the project objectives in that it cannot accommodate the amount of parking required.

- To divide the parking structure into two locations, one of which is this site which would have a lower yield due to its unique circumstances, would cause the project to be substantially more expensive.

### **3. Site E - Presbyterian Church**

This property is approximately 1.25 acres in area (140 feet by 390 feet) and is designated *Residential Support for the Core Area (25+ DU/AC)*. The site contains a church, a parking lot, and a small commercial building, all of which would have to be removed if this site were used for the parking structure. The northern portion of the site is within the St. James Square National Register Historic District. A preliminary design analysis found that a ten-level parking structure on this site could accommodate up to 1,200 parking spaces. This takes into account the need to accommodate ground level commercial uses and to step back the building massing at the upper levels. In discussions with the owner of most of the property, the Presbyterian Church, the property was not available for sale. The owner is interested in rebuilding the church and adding residential uses to the site.

### **Comparison of Environmental Impacts**

This alternative would avoid all of the site-specific impacts associated with the proposed project, including the historic resource impacts and the cumulatively significant impact to historic resources resulting from demolition of the Fox Building, and the visual and aesthetic impacts of building such a large structure at the proposed location. This alternative avoids the shade and shadow impacts from the proposed project on residential buildings and private open space, and the significant unavoidable temporary noise impacts from construction associated with the proposed project. This alternative would, however, have impacts of its own.

This alternative would displace an existing church. Under state Redevelopment law, the project would have to find an adequate site for the church congregation. There are high density senior housing units adjacent to the west, whose balconies would be shaded by the parking structure. Operating a parking structure at this location could have significant noise impacts on those adjacent dwellings, and would create a new visual obstruction of the views from their windows. Building the parking structure on this site would also have temporary construction impacts on adjacent uses. Due to the absence of wood frame, low density residential structures and historic buildings immediately adjacent to this site, the construction impacts might be incrementally less significant for this location.

The small commercial structure at 77 North Fourth Street that would be removed if the parking structure is built at this location is within the St. James Square City Landmark and National Register Historic District. This building is not a contributing structure to the District, however. Its demolition would not be a significant historic impact. Building the parking structure on this site would, however, place it partly within the City Landmark and National Register District. Development of another parking structure immediately adjacent

to and within the St. James Historic District (there is an existing large parking structure on the southwest corner of St. John and South Third Streets) could have a cumulatively significant impact on the integrity of the City Landmark and National Register Historic District.

### **Feasibility of the Alternative**

This alternative site would require that the parking structure be aligned with its longer dimension along North Fourth Street, which is inconsistent with the design guidelines of the Downtown Strategy Plan. This is also not a mid-block location, as recommended by the Plan's design guidelines.

Since the owner of the site wants to construct residential development on the site, which is consistent with the General Plan designation on the property, the use of eminent domain would probably be necessary to obtain ownership for its use as a parking structure. The use of this alternative site would be inconsistent with the project objectives in that it would take substantially longer to implement so that the parking would not be available for a substantial period of time after the City Hall/Municipal Services Building is completed. The City's reasons for minimizing significant delays in completing the parking structure are identified in the discussion entitled "Interim Parking Structure" in the Project Description section of this DRSEIR.

### **Conclusion:**

This is not an environmentally superior alternative, although it would avoid demolition of an historic structure.

This alternative site may not be feasible for reasons which include the following:

- Use of this site as a parking structure is not consistent with its General Plan designation.
- The location and configuration of the site is not consistent with the Downtown Strategy Plan.
- The property is not available for sale, so that acquisition would take longer and the project would be delayed.
- Finding another site for the congregation would take additional time, further increasing the cost and causing greater delay.

#### **4. Site F - Albertson's**

This is approximately 2.28 acres of property with between 300 feet and 420 feet of frontage along the side streets and 276 feet of frontage along Santa Clara Street. The property presently contains an Albertson's grocery store and some smaller commercial buildings. This is presently the only full-service grocery store in this neighborhood. To place a parking structure on its to serve the new City Hall/Municipal Services Building complex would require that the commercial structures and their parking be removed.

As stated previously, this property was identified in the FEIR prepared for the Redevelopment Plan as a possible site for a mixed-use residential/commercial project. Discussions have taken place between the RDA and owners of the property about the potential for redeveloping the site as planned for in the Redevelopment Plan. There is, at this time, no active proposal for doing so, however. This site is designated *General Commercial* and *Transit Oriented Development Corridor* with a *Neighborhood Business District* overlay by the City's General Plan.

This site is large enough to accommodate the entire parking structure, including commercial uses at the ground floor level and a design that steps back the upper levels of the building from the public streets, in conformance with the design guidelines in the Downtown Strategy Plan.

### **Comparison of Environmental Impacts**

This alternative would avoid all of the site-specific impacts associated with the proposed project, including the historic resource impacts and cumulatively significant impact to historic resources resulting from demolition of the Fox Building, and the visual and aesthetic impacts of building such a large structure at the proposed location; it would also avoid the shade and shadow impacts on residential buildings and private open spaces near the project site.

This property is directly across Santa Clara Street from the recently reconstructed Horace Mann School. The property is also immediately adjacent to a residential neighborhood to the south and southeast. Although this property is not east of Seventh Street, it does project into established residential areas (see Figure 8). This proximity is likely to result in some shade and shadow impacts from a parking structure on these residences, and a parking structure is also likely to have noise impacts on the closest residences and private open space.

In order to limit vehicular intrusion into the neighborhood, a parking structure on this site would need to limit its points of access to South Sixth Street (across from the new City Hall building) and the Santa Clara Street frontage (across from Horace Mann School).

Operationally, however, it would not be feasible to limit access to a single location.

Consistent with recent practice, the City would typically require that two points of access on



two different streets (probably Sixth and Seventh) be provided for such a large parking structure.

The generation of such a substantial amount of new traffic at this location may result in substantial traffic impacts when combined with the traffic for the school. It is also likely to create conflicts with the pedestrian movements associated with the school. New traffic may travel through the adjacent neighborhood to reach Tenth and Eleventh Streets, resulting in traffic impacts different than and possibly more significant than the impacts evaluated in either the FEIR prepared for the Redevelopment Project, or the FSEIR prepared for the parking structure.

### **Feasibility of the Alternative**

While parking structures are generally compatible with the commercial designations, the City's General Plan "strongly discourages" development types and patterns that do not encourage transit use on properties within the *Transit Oriented Development Corridor*. A major parking structure directly adjacent to a transit corridor would not promote transit use. Placing the parking structure here would not be consistent with the adopted General Plan. This location is also not consistent with the adopted Redevelopment Plan, which designates this site for mixed-use commercial/residential development. This project would remove the only full-service grocery store in this neighborhood, with no provision for replacing it. While that would not be an environmental impact, it is a feasibility issue that is relevant to the City's responsibility for both land use and economic planning for the community as a whole. For these reasons, this is not a suitable site for a parking structure.

The City and RDA do not believe that this property is owned by a willing seller. Acquisition by eminent domain would be a time-consuming process. Also, as stated previously, whenever a governmental agency exercises the right of eminent domain, the established use must be weighed against the proposed public purpose. This requires that the governmental agency evaluate the burden that taking the property will impose upon the existing occupant/owner, provide for appropriate relocation, and make reasonable accommodation within the schedule for purchase and construction. In this instance, the process would remove the only full service grocery store in the neighborhood. It is possible that there is a design solution that could preserve the grocery store, add residential units, and include some provision for parking spaces that serves the City Hall/Municipal Services Building complex. That design and agreement would have to be negotiated with the property owner, which would introduce substantial additional delay into the process.

The delay these processes (either eminent domain or negotiating a combined project) would introduce into the construction of the parking structure would not be compatible with the basic purpose of the project, providing parking for the City Hall/Municipal Services Building complex, in that it would take substantially longer to implement so that the parking would not be available for a substantial period of time after the City Hall/Municipal Services Building is completed. The City's reasons for minimizing significant delays in completing the parking structure are identified in the discussion entitled "Interim Parking Structure" in the Project Description section of this DRSEIR.

## **Conclusion:**

This alternative location may be environmentally superior to the proposed project.

This alternative site may not be feasible for reasons which include the following:

- Use of this site as a parking structure is not consistent with its Redevelopment Plan designation.
- Use of this site as a parking structure is not consistent with its General Plan designation or with General Plan policies for properties in a planned Transit Corridor.
- Delay associated with acquisition of the site would mean that the parking structure would not be available for a substantial period of time after the City Hall/Municipal Services Building is completed.

## **5. Site G - Performing Arts Center Site**

This property is designated in the current Redevelopment Plan as a future performing arts center. As discussed in the Project Description, there has been some uncertainty as to whether or not a performing arts facility will be built here. There is currently a feasibility study being done that considers both this site and another for a future venue. This site is therefore referred to as the “performing arts center site”, consistent with the Redevelopment Plan designation.

This is the same property evaluated above, under Alternative B, Relocation of the Fox Building. For that alternative, the analysis evaluated moving the Fox Building both north and south of its existing location. For this alternative, it is assumed that the Fox Building remains in its existing location and the parking structure is built on the property to the south, between the Fox Building and Santa Clara Street. This land area is now approximately 1.31 acres (206 feet by 276 feet). The property is owned by the RDA, although there are non-historic commercial structures still present on the property. Those buildings would be removed in the future when the property is redeveloped.

This site is of sufficient size to accommodate the planned parking structure, including ground floor commercial on all three street frontages, and a stepped back facade, consistent with the Downtown Design Guidelines. The site is designated *Public/Quasi-Public* and *Transit-Oriented Development Corridor* with a *Neighborhood Business District* overlay in the City’s General Plan. Placing the parking structure at this location would not be consistent with the General Plan policies for use of the *Transit-Oriented Development Corridor*. The parking structure is not, however, inconsistent with the underlying *Public/Quasi-Public* land use designation.

## Comparison of Environmental Impacts

This alternative would avoid some of the site-specific impacts associated with the proposed project, including the historic resource impacts resulting from demolition of the Fox Building; it would also avoid the cumulatively significant impact to historic resources. By moving the parking structure farther south, this alternative would avoid the proposed project's shade and shadow impacts on residential buildings and private open space. The temporary noise impacts of construction would still be significant at this location. This alternative would also result in significant visual impacts from placing the very large parking structure into the existing context. In addition, the project would result in significant new aesthetic impacts resulting from placing a large parking structure on such a visible site on a major thoroughfare that is also a primary gateway to the Downtown Core Area.

## Feasibility of the Alternative

While parking structures are generally compatible with most commercial designations and are allowed in the *Public/Quasi-Public* designation when they support a public use, the City's General Plan "strongly discourages" development types and patterns that do not encourage transit use on properties within the *Transit Oriented Development Corridor*. A major parking structure directly adjacent to a transit corridor would not promote transit use. Placing the parking structure here would not be consistent with the adopted General Plan. This location is also not consistent with the adopted Redevelopment Plan, which designates this site for a performing arts center. For these reasons, this is not a suitable site for a parking structure.

### **Conclusion:**

This site alternative is environmentally superior to the proposed project.

This alternative site may not be feasible for reasons which include the following:

- Use of this site as a parking structure is not consistent with its Redevelopment Plan designation.
- Use of this site as a parking structure is not consistent with General Plan policies for properties in a planned Transit Corridor.

## **D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The environmentally superior alternative is the No Parking Structure/No Project Alternative, Alternative A(1). The CEQA Guidelines state that, if the environmentally superior alternative is the "no project" alternative, then an EIR must also identify an environmentally superior alternative among the other alternatives. The Relocation Alternative (Alternative V.B.) and Site G would both

result in fewer significant environmental impacts than the proposed project. Because relocating the Fox Building could result in risk of damage to the historic structure, Alternative Site G would be the environmentally superior alternative.

The environmentally superior alternative in the previously prepared FSEIR was a Reduced Parking Structure Alternative, which would be a smaller building, downsized in order to avoid the significant shade, shadow, visual, and historic impacts of the proposed project. This alternative was not proposed because it would be inconsistent with the project's objectives since it would include only approximately half of the parking spaces required. Also, as discussed in this DRSEIR, multiple sites would be more expensive than the proposed use of a single site.

The Reduced Parking Structure Alternative would also be environmentally superior to Site G, since placing a large parking structure on Site G would result in significant visual impacts.

The environmentally superior alternative among the other identified alternatives discussed in this EIR is Alternative C(5), which is Alternative Site G; the environmentally superior alternative among all of the alternatives identified would be the Reduced Parking Structure Alternative.

## VI. REFERENCES

---

San José, City of; *Final Environmental Impact Report for Civic Plaza Redevelopment Plan*; certified June, 1999.

San José, City of; *Final Supplemental Environmental Impact Report for the Civic Plaza Parking Structure Project*; September 2, 2003.

San José, City of; Historic Inventory updated as of March 4, 2004.

San José, City of; *Strategy 2000 - San José Greater Downtown - Strategy for Development*; August 28, 2001.

### **Persons Consulted**

Bill Ekern, Redevelopment Agency, City of San José

Courtney Damkroeger, Department of Planning, Building and Code Enforcement, City of San José

David Mathiasmeier, Department of Public Works, City of San José

Jim Ortbal, Assistant Director of Transportation, City of San José

Joseph Horwedel, Deputy Director of Planning, Building and Code Enforcement, City of San José

Karen Mack, Department of Public Works, City of San José

Sharon Russell, Department of Public Works, City of San José

## **VII. AUTHORS AND CONSULTANTS**

---

### **Authors:**

**City of San José**

**Department of Planning, Building and Code Enforcement**

Stephen Haase, AICP, Director

Akoni Danielsén, Principal Planner

### **Consultants:**

**David J. Powers & Associates, Inc.**

**Environmental Consultants & Planners**

Michelle Yesney, Principal

John Schwarz, Project Manager

Stephanie Grotton, Graphic Artist

## **APPENDIX A**

### **ESTIMATE OF FOX BUILDING RELOCATION COSTS**



# New Civic Center Parking Garage

S-SEIR: Fox Relocation Costs

<i>Item</i>	<i>cost On Block"</i>	<i>cost "Off Block"</i>
<b>HARD COSTS</b>		
Relocation on Block	\$745,000	
Relocation off Block		\$895,000
Site Prep & New Utilities	\$75,000	\$75,000
Seismic Retrofit	\$340,000	\$340,000
Exterior Rehab (incl. Windows)	\$320,000	\$320,000
Interior Haz Mat	\$100,000	\$100,000
Hard Cost Contingency 20%	\$316,000	\$346,000
<i>Subtotal</i>	<b>\$1,896,000</b>	<b>\$2,076,000</b>
<i>Market Generated Upgrades</i>		
<i>Interior Rehab</i>	\$102,000	\$102,000
<i>MEP</i>	\$272,000	\$272,000
<i>Fire Sprinklers</i>	\$68,000	\$68,000
<i>Landscaping &amp; Paving</i>	\$132,000	\$132,000
<i>Upgrade Contingency 20%</i>	\$114,800	\$114,800
<i>Subtotal</i>	<b>\$688,800</b>	<b>\$688,800</b>
<b>SOFT COSTS</b>		
Design	\$258,000	\$276,000
Engineering	\$39,000	\$39,000
Permits	\$129,000	\$138,000
Soft Cost Contingency 15%	\$64,000	\$68,000
<i>Subtotal</i>	<b>\$490,000</b>	<b>\$521,000</b>
<b>LAND COSTS</b>		
Existing Partial Site / Footprint	N/A	N/A
New "On-Block" Site	\$2,000,000	
New "Off-Block" Site		\$3,500,000
<i>Total</i>	<b>\$5,074,800</b>	<b>\$6,785,800</b>